

or on property that is owned or controlled by the district. The 108
superintendent may reduce this disciplinary action on a case-by- 109
case basis in accordance with the policy adopted by the board 110
under section 3313.661 of the Revised Code. 111

(c) Any expulsion pursuant to division (B)(2) of this 112
section shall extend, as necessary, into the school year 113
following the school year in which the incident that gives rise 114
to the expulsion takes place. As used in this division, 115
"firearm" has the same meaning as provided pursuant to the "Gun- 116
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 117

(3) The board of education of a city, exempted village, or 118
local school district may adopt a resolution authorizing the 119
superintendent of schools to expel a pupil from school for a 120
period not to exceed one year for bringing a knife to a school 121
operated by the board, onto any other property owned or 122
controlled by the board, or to an interscholastic competition, 123
an extracurricular event, or any other program or activity 124
sponsored by the school district or in which the district is a 125
participant, or for possessing a firearm or knife at a school, 126
on any other property owned or controlled by the board, or at an 127
interscholastic competition, an extracurricular event, or any 128
other school program or activity, which firearm or knife was 129
initially brought onto school board property by another person. 130
The resolution may authorize the superintendent to extend such 131
an expulsion, as necessary, into the school year following the 132
school year in which the incident that gives rise to the 133
expulsion takes place. 134

(4) The board of education of a city, exempted village, or 135
local school district may adopt a resolution establishing a 136
policy under section 3313.661 of the Revised Code that 137

authorizes the superintendent of schools to expel a pupil from 138
school for a period not to exceed one year for committing an act 139
that is a criminal offense when committed by an adult and that 140
results in serious physical harm to persons as defined in 141
division (A) (5) of section 2901.01 of the Revised Code or 142
serious physical harm to property as defined in division (A) (6) 143
of section 2901.01 of the Revised Code while the pupil is at 144
school, on any other property owned or controlled by the board, 145
or at an interscholastic competition, an extracurricular event, 146
or any other school program or activity. Any expulsion under 147
this division shall extend, as necessary, into the school year 148
following the school year in which the incident that gives rise 149
to the expulsion takes place. 150

(5) The board of education of any city, exempted village, 151
or local school district may adopt a resolution establishing a 152
policy under section 3313.661 of the Revised Code that 153
authorizes the superintendent of schools to expel a pupil from 154
school for a period not to exceed one year for making a bomb 155
threat to a school building or to any premises at which a school 156
activity is occurring at the time of the threat. Any expulsion 157
under this division shall extend, as necessary, into the school 158
year following the school year in which the incident that gives 159
rise to the expulsion takes place. 160

(6) No pupil shall be expelled under division (B) (1), (2), 161
(3), (4), or (5) of this section unless, prior to the pupil's 162
expulsion, the superintendent does both of the following: 163

(a) Gives the pupil and the pupil's parent, guardian, or 164
custodian written notice of the intention to expel the pupil; 165

(b) Provides the pupil and the pupil's parent, guardian, 166
custodian, or representative an opportunity to appear in person 167

before the superintendent or the superintendent's designee to 168
challenge the reasons for the intended expulsion or otherwise to 169
explain the pupil's actions. 170

The notice required in this division shall include the 171
reasons for the intended expulsion, notification of the 172
opportunity of the pupil and the pupil's parent, guardian, 173
custodian, or representative to appear before the superintendent 174
or the superintendent's designee to challenge the reasons for 175
the intended expulsion or otherwise to explain the pupil's 176
action, and notification of the time and place to appear. The 177
time to appear shall not be earlier than three nor later than 178
five school days after the notice is given, unless the 179
superintendent grants an extension of time at the request of the 180
pupil or the pupil's parent, guardian, custodian, or 181
representative. If an extension is granted after giving the 182
original notice, the superintendent shall notify the pupil and 183
the pupil's parent, guardian, custodian, or representative of 184
the new time and place to appear. If the proposed expulsion is 185
based on a violation listed in division (A) of section 3313.662 186
of the Revised Code and if the pupil is sixteen years of age or 187
older, the notice shall include a statement that the 188
superintendent may seek to permanently exclude the pupil if the 189
pupil is convicted of or adjudicated a delinquent child for that 190
violation. 191

(7) A superintendent of schools of a city, exempted 192
village, or local school district shall initiate expulsion 193
proceedings pursuant to this section with respect to any pupil 194
who has committed an act warranting expulsion under the 195
district's policy regarding expulsion even if the pupil has 196
withdrawn from school for any reason after the incident that 197
gives rise to the hearing but prior to the hearing or decision 198

to impose the expulsion. If, following the hearing, the pupil 199
would have been expelled for a period of time had the pupil 200
still been enrolled in the school, the expulsion shall be 201
imposed for the same length of time as on a pupil who has not 202
withdrawn from the school. 203

(C) If a pupil's presence poses a continuing danger to 204
persons or property or an ongoing threat of disrupting the 205
academic process taking place either within a classroom or 206
elsewhere on the school premises, the superintendent or a 207
principal or assistant principal may remove a pupil from 208
curricular activities or from the school premises, and a teacher 209
may remove a pupil from curricular activities under the 210
teacher's supervision, without the notice and hearing 211
requirements of division (A) or (B) of this section. As soon as 212
practicable after making such a removal, the teacher shall 213
submit in writing to the principal the reasons for such removal. 214

If a pupil is removed under this division from a 215
curricular activity or from the school premises, written notice 216
of the hearing and of the reason for the removal shall be given 217
to the pupil as soon as practicable prior to the hearing, which 218
shall be held within three school days from the time the initial 219
removal is ordered. The hearing shall be held in accordance with 220
division (A) of this section unless it is probable that the 221
pupil may be subject to expulsion, in which case a hearing in 222
accordance with division (B) of this section shall be held, 223
except that the hearing shall be held within three school days 224
of the initial removal. The individual who ordered, caused, or 225
requested the removal to be made shall be present at the 226
hearing. 227

If the superintendent or the principal reinstates a pupil 228

in a curricular activity under the teacher's supervision prior 229
to the hearing following a removal under this division, the 230
teacher, upon request, shall be given in writing the reasons for 231
such reinstatement. 232

(D) The superintendent or principal, within one school day 233
after the time of a pupil's expulsion or suspension, shall 234
notify in writing the parent, guardian, or custodian of the 235
pupil and the treasurer of the board of education of the 236
expulsion or suspension. The notice shall include the reasons 237
for the expulsion or suspension, notification of the right of 238
the pupil or the pupil's parent, guardian, or custodian to 239
appeal the expulsion or suspension to the board of education or 240
to its designee, to be represented in all appeal proceedings, to 241
be granted a hearing before the board or its designee in order 242
to be heard against the suspension or expulsion, and to request 243
that the hearing be held in executive session, notification that 244
the expulsion may be subject to extension pursuant to division 245
(F) of this section if the pupil is sixteen years of age or 246
older, and notification that the superintendent may seek the 247
pupil's permanent exclusion if the suspension or expulsion was 248
based on a violation listed in division (A) of section 3313.662 249
of the Revised Code that was committed when the child was 250
sixteen years of age or older and if the pupil is convicted of 251
or adjudicated a delinquent child for that violation. 252

In accordance with the policy adopted by the board of 253
education under section 3313.661 of the Revised Code, the notice 254
provided under this division shall specify the manner and date 255
by which the pupil or the pupil's parent, guardian, or custodian 256
shall notify the board of the pupil's, parent's, guardian's, or 257
custodian's intent to appeal the expulsion or suspension to the 258
board or its designee. 259

Any superintendent expelling a pupil under this section 260
for more than twenty school days or for any period of time if 261
the expulsion will extend into the following semester or school 262
year shall, in the notice required under this division, provide 263
the pupil and the pupil's parent, guardian, or custodian with 264
information about services or programs offered by public and 265
private agencies that work toward improving those aspects of the 266
pupil's attitudes and behavior that contributed to the incident 267
that gave rise to the pupil's expulsion. The information shall 268
include the names, addresses, and phone numbers of the 269
appropriate public and private agencies. 270

(E) A pupil or the pupil's parent, guardian, or custodian 271
may appeal the pupil's expulsion by a superintendent or 272
suspension by a superintendent, principal, assistant principal, 273
or other administrator to the board of education or to its 274
designee. If the pupil or the pupil's parent, guardian, or 275
custodian intends to appeal the expulsion or suspension to the 276
board or its designee, the pupil or the pupil's parent, 277
guardian, or custodian shall notify the board in the manner and 278
by the date specified in the notice provided under division (D) 279
of this section. The pupil or the pupil's parent, guardian, or 280
custodian may be represented in all appeal proceedings and shall 281
be granted a hearing before the board or its designee in order 282
to be heard against the suspension or expulsion. At the request 283
of the pupil or of the pupil's parent, guardian, custodian, or 284
attorney, the board or its designee may hold the hearing in 285
executive session but shall act upon the suspension or expulsion 286
only at a public meeting. The board, by a majority vote of its 287
full membership or by the action of its designee, may affirm the 288
order of suspension or expulsion, reinstate the pupil, or 289
otherwise reverse, vacate, or modify the order of suspension or 290

expulsion. 291

The board or its designee shall make a verbatim record of 292
hearings held under this division. The decisions of the board or 293
its designee may be appealed under Chapter 2506. of the Revised 294
Code. 295

This section shall not be construed to require notice and 296
hearing in accordance with division (A), (B), or (C) of this 297
section in the case of normal disciplinary procedures in which a 298
pupil is removed from a curricular activity for a period of less 299
than one school day and is not subject to suspension or 300
expulsion. 301

(F) (1) If a pupil is expelled pursuant to division (B) of 302
this section for committing any violation listed in division (A) 303
of section 3313.662 of the Revised Code and the pupil was 304
sixteen years of age or older at the time of committing the 305
violation, if a complaint, indictment, or information is filed 306
alleging that the pupil is a delinquent child based upon the 307
commission of the violation or the pupil is prosecuted as an 308
adult for the commission of the violation, and if the resultant 309
juvenile court or criminal proceeding is pending at the time 310
that the expulsion terminates, the superintendent of schools 311
that expelled the pupil may file a motion with the court in 312
which the proceeding is pending requesting an order extending 313
the expulsion for the lesser of an additional eighty days or the 314
number of school days remaining in the school year. Upon the 315
filing of the motion, the court immediately shall schedule a 316
hearing and give written notice of the time, date, and location 317
of the hearing to the superintendent and to the pupil and the 318
pupil's parent, guardian, or custodian. At the hearing, the 319
court shall determine whether there is reasonable cause to 320

believe that the pupil committed the alleged violation that is
the basis of the expulsion and, upon determining that reasonable
cause to believe the pupil committed the violation does exist,
shall grant the requested extension.

(2) If a pupil has been convicted of or adjudicated a
delinquent child for a violation listed in division (A) of
section 3313.662 of the Revised Code for an act that was
committed when the child was sixteen years of age or older, if
the pupil has been expelled pursuant to division (B) of this
section for that violation, and if the board of education of the
school district of the school from which the pupil was expelled
has adopted a resolution seeking the pupil's permanent
exclusion, the superintendent may file a motion with the court
that convicted the pupil or adjudicated the pupil a delinquent
child requesting an order to extend the expulsion until an
adjudication order or other determination regarding permanent
exclusion is issued by the superintendent of public instruction
pursuant to section 3301.121 and division (D) of section
3313.662 of the Revised Code. Upon the filing of the motion, the
court immediately shall schedule a hearing and give written
notice of the time, date, and location of the hearing to the
superintendent of the school district, the pupil, and the
pupil's parent, guardian, or custodian. At the hearing, the
court shall determine whether there is reasonable cause to
believe the pupil's continued attendance in the public school
system may endanger the health and safety of other pupils or
school employees and, upon making that determination, shall
grant the requested extension.

(G) The failure of the superintendent or the board of
education to provide the information regarding the possibility
of permanent exclusion in the notice required by divisions (A),

(B), and (D) of this section is not jurisdictional, and the failure shall not affect the validity of any suspension or expulsion procedure that is conducted in accordance with this section or the validity of a permanent exclusion procedure that is conducted in accordance with sections 3301.121 and 3313.662 of the Revised Code.

(H) With regard to suspensions and expulsions pursuant to divisions (A) and (B) of this section by the board of education of any city, exempted village, or local school district, this section shall apply to any student, whether or not the student is enrolled in the district, attending or otherwise participating in any curricular program provided in a school operated by the board or provided on any other property owned or controlled by the board.

(I) Whenever a student is expelled under this section, the expulsion shall result in removal of the student from the student's regular school setting. However, during the period of the expulsion, the board of education of the school district that expelled the student or any board of education admitting the student during that expulsion period may provide educational services to the student in an alternative setting.

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 3313.65 of the Revised Code, any school district, after offering an opportunity for a hearing, may temporarily deny admittance to any pupil if one of the following applies:

(a) The pupil has been suspended from the schools of another district under division (A) of this section and the period of suspension, as established under that division, has not expired;

(b) The pupil has been expelled from the schools of 381
another district under division (B) of this section and the 382
period of the expulsion, as established under that division or 383
as extended under division (F) of this section, has not expired. 384

If a pupil is temporarily denied admission under this 385
division, the pupil shall be admitted to school in accordance 386
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 387
Revised Code no later than upon expiration of the suspension or 388
expulsion period, as applicable. 389

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 390
and 3313.65 of the Revised Code, any school district, after 391
offering an opportunity for a hearing, may temporarily deny 392
admittance to any pupil if the pupil has been expelled or 393
otherwise removed for disciplinary purposes from a public school 394
in another state and the period of expulsion or removal has not 395
expired. If a pupil is temporarily denied admission under this 396
division, the pupil shall be admitted to school in accordance 397
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 398
Revised Code no later than the earlier of the following: 399

(a) Upon expiration of the expulsion or removal period 400
imposed by the out-of-state school; 401

(b) Upon expiration of a period established by the 402
district, beginning with the date of expulsion or removal from 403
the out-of-state school, that is no greater than the period of 404
expulsion that the pupil would have received under the policy 405
adopted by the district under section 3313.661 of the Revised 406
Code had the offense that gave rise to the expulsion or removal 407
by the out-of-state school been committed while the pupil was 408
enrolled in the district. 409

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a school setting.

Sec. 3313.661. (A) The board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B) (2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B) (3) of section 3313.66 of the Revised Code, the policy shall define the term "knife" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution pursuant to division (B) (4) or (5) of section 3313.66 of the Revised Code, the policy shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. The policy also shall set forth

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the acts listed in section 3313.662 of the Revised Code for
which a pupil may be permanently excluded.

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The policy adopted under this division shall specify the
date and manner by which a pupil or a pupil's parent, guardian,
or custodian may notify the board of the pupil's, parent's,
guardian's, or custodian's intent to appeal an expulsion or
suspension to the board or its designee pursuant to division (E)
of section 3313.66 of the Revised Code. In the case of any
expulsion, the policy shall not specify a date that is less than
fourteen days after the date of the notice provided to the pupil
or the pupil's parent, guardian, or custodian under division (D)
of that section.

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A copy of the policy shall be posted on the district's web
site, if the district has one, and in a central location in the
school and shall be made available to pupils upon request. No
pupil shall be suspended, expelled, or removed except in
accordance with the policy adopted by the board of education of
the school district in which the pupil attends school, and no
pupil shall be permanently excluded except in accordance with
sections 3301.121 and 3313.662 of the Revised Code.

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(B) (1) A board of education may establish a program and
adopt guidelines under which a superintendent may require a
pupil to perform community service in conjunction with a
suspension or expulsion imposed under section 3313.66 of the
Revised Code or in place of a suspension or expulsion imposed
under section 3313.66 of the Revised Code except for an
expulsion imposed pursuant to division (B) (2) of that section.
If a board adopts guidelines under this division, they shall
permit, except with regard to an expulsion pursuant to division
(B) (2) of section 3313.66 of the Revised Code, a superintendent

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to impose a community service requirement beyond the end of the
school year in lieu of applying an expulsion into the following
school year. Any guidelines adopted shall be included in the
policy adopted under this section.

(2) If a pupil is suspended or expelled for an offense of
harassment, intimidation, or bullying under section 3313.669 of
the Revised Code, the board of education shall file a notice
with a municipal court that has jurisdiction in the school
district. Within three days after the notice is filed, the court
or a person, agency, or organization appointed by the court, in
consultation with the child, the child's parent or guardian, and
the child's school, shall develop a community service plan. The
plan shall include specific goals and timelines under which the
pupil must perform community service during the term of the
pupil's suspension or expulsion.

(C) The written policy of each board of education that is
adopted pursuant to section 3313.20 of the Revised Code shall be
posted on the district's web site, if the district has one, and
in a central location in each school that is subject to the
policy and shall be made available to pupils upon request.

(D) Any policy, program, or guideline adopted by a board
of education under this section with regard to suspensions or
expulsions pursuant to division (A) or (B) of section 3313.66 of
the Revised Code shall apply to any student, whether or not the
student is enrolled in the district, attending or otherwise
participating in any curricular program provided in a school
operated by the board or provided on any other property owned or
controlled by the board.

(E) As used in this section, ~~"permanently;"~~

(1) "Permanently exclude" and "permanent exclusion" have 499
the same meanings as in section 3313.662 of the Revised Code. 500

(2) "Harassment, intimidation, or bullying" has the same 501
meaning as in section 3313.666 of the Revised Code. 502

Sec. 3313.666. (A) As used in this section: 503

(1) "Electronic act" means an act committed through the 504
use of a cellular telephone, computer, pager, personal 505
communication device, or other electronic communication device. 506

(2) "Harassment, intimidation, or bullying" means ~~either~~ 507
any of the following: 508

(a) Any intentional written, verbal, electronic, or 509
physical act that a student has exhibited toward another 510
particular student or an administrator, employee, faculty 511
member, consultant, or volunteer of the district more than once 512
and the behavior both: 513

(i) Causes mental or physical harm to the other student or 514
the administrator, employee, faculty member, consultant, or 515
volunteer of the district; 516

(ii) Is sufficiently severe, persistent, or pervasive that 517
it creates an intimidating, threatening, or abusive educational 518
environment for the other student or the administrator, 519
employee, faculty member, consultant, or volunteer of the 520
district. 521

(b) Violence within a dating relationship; 522

(c) Hazing as defined in section 2903.31 of the Revised 523
Code. 524

(B) The board of education of each city, local, exempted 525

village, and joint vocational school district shall establish a 526
policy prohibiting the harassment, intimidation, or bullying of 527
students and administrators, employees, faculty members, 528
consultants, and volunteers of the district. The policy shall be 529
developed in consultation with parents, school employees, school 530
volunteers, students, and community members, and shall apply to 531
grades kindergarten through twelve. The policy shall include the 532
following: 533

(1) A statement prohibiting harassment, intimidation, or 534
bullying of any student on school property, on a school bus, or 535
at school-sponsored events and expressly providing for the 536
possibility of suspension of a student found responsible for 537
harassment, intimidation, or bullying by an electronic act; 538

(2) A definition of harassment, intimidation, or bullying 539
that includes the definition in division (A) of this section; 540

(3) A procedure for reporting prohibited incidents; 541

(4) A requirement that school personnel report prohibited 542
incidents of which they are aware to the school principal or 543
other administrator designated by the principal; 544

(5) A requirement that the custodial parent or guardian of 545
any student involved in a prohibited incident be notified and, 546
to the extent permitted by section 3319.321 of the Revised Code 547
and the "Family Educational Rights and Privacy Act of 1974," 88 548
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 549
written reports pertaining to the prohibited incident~~+~~. For each 550
prohibited incident, the district shall maintain a record 551
verifying that the custodial parent or guardian was notified of 552
the incident. 553

(6) A procedure for documenting any prohibited incident 554

that is reported; 555

(7) A procedure for responding to and investigating any 556
reported incident; 557

(8) A strategy for protecting a victim or other person 558
from new or additional harassment, intimidation, or bullying, 559
and from retaliation following a report, including a means by 560
which a person may report an incident anonymously; 561

(9) A disciplinary procedure for any student guilty of 562
harassment, intimidation, or bullying, which shall not infringe 563
on any student's rights under the first amendment to the 564
Constitution of the United States~~+~~. The disciplinary procedure 565
shall comply with section 3313.669 of the Revised Code. 566

(10) A disciplinary procedure for any student guilty of 567
retaliation against a student who reports an incident of 568
harassment, intimidation, or bullying; 569

(11) A statement prohibiting students from deliberately 570
making false reports of harassment, intimidation, or bullying 571
and a disciplinary procedure for any student responsible for 572
deliberately making a false report of that nature; 573

~~(11)~~-(12) A requirement that the district administration 574
semiannually provide the president of the district board a 575
written summary of all reported incidents and post the summary 576
on its web site, if the district has a web site, to the extent 577
permitted by section 3319.321 of the Revised Code and the 578
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 579
571, 20 U.S.C. 1232g, as amended. 580

(C) Each board's policy shall appear in any student 581
handbooks, and in any of the publications that set forth the 582
comprehensive rules, procedures, and standards of conduct for 583

schools and students in the district. The policy and an 584
explanation of the seriousness of bullying by electronic means 585
shall be made available to students in the district and to their 586
custodial parents or guardians. Information regarding the policy 587
shall be incorporated into employee training materials. 588

(D) (1) To the extent that state or federal funds are 589
appropriated for this purpose, each board shall require that all 590
students enrolled in the district annually be provided with age- 591
appropriate instruction, as determined by the board, on the 592
board's policy, including a written or verbal discussion of the 593
consequences for violations of the policy. 594

(2) Each board shall require that once each school year a 595
written statement describing the policy and the consequences for 596
violations of the policy be sent to each student's custodial 597
parent or guardian. The statement may be sent with regular 598
student report cards or may be delivered electronically. 599

(E) A school district employee, student, or volunteer 600
shall be individually immune from liability in a civil action 601
for damages arising from reporting an incident in accordance 602
with a policy adopted pursuant to this section if that person 603
reports an incident of harassment, intimidation, or bullying 604
promptly in good faith and in compliance with the procedures as 605
specified in the policy. 606

(F) Except as provided in division (E) of this section, 607
nothing in this section prohibits a victim from seeking redress 608
under any other provision of the Revised Code or common law that 609
may apply. 610

(G) This section does not create a new cause of action or 611
a substantive legal right for any person. 612

(H) Each board shall update the policy adopted under this section to include violence within a dating relationship ~~and~~, harassment, intimidation, or bullying by electronic means, ~~and~~ hazing. The board also shall review and update the policy adopted under this section at least once every three years.

Sec. 3313.669. (A) The board of education of each city, exempted village, or local school district shall adopt a resolution establishing a policy under section 3313.661 of the Revised Code that requires the superintendent of schools to do the following for a pupil who commits an offense of harassment, intimidation, or bullying:

(1) For the first offense, suspend that pupil for up to ten days;

(2) For the second offense within the same calendar year, expel that pupil for up to one hundred eighty-two days.

If at the time a suspension or expulsion is imposed under this section there are fewer school days remaining in the school year in which the incident that gives rise to the suspension or expulsion takes place than the number of days for which the pupil is suspended or expelled, the superintendent shall apply any remaining part of the period of the suspension or expulsion to the following school year.

(B) If a pupil is suspended or expelled for an offense of harassment, intimidation, or bullying under this section, the board of education shall file a notice with a municipal court that has jurisdiction in the school district. Within three days after the notice is filed, the court or a person, agency, or organization appointed by the court, in consultation with the child, the child's parent or guardian, and the child's school,

shall develop a community service plan. The plan shall include
specific goals and timelines under which the pupil must perform
community service during the term of the pupil's suspension or
expulsion. The duration of the community service performed under
the plan shall equal the number of days for which a pupil is
suspended or expelled. In order to complete the required number
of days, the community service plan may continue beyond the date
upon which a pupil returns to school.

(C) During the period of a pupil's suspension or expulsion
under this section, the district shall do all of the following:

(1) Permit the pupil to complete all missed schoolwork.
For this purpose, the district may offer tutoring and academic
support to the student.

(2) Permit the pupil to take any required state
assessment. For this purpose, the pupil shall be permitted to
take the assessment in the student's regular school setting.

(3) Provide counseling for the suspended or expelled
pupil, so long as the parent, guardian, or custodian of the
pupil gives permission for the pupil to undergo such counseling;

(4) Prohibit the pupil from participating in any
extracurricular activity, as defined in section 3313.537 of the
Revised Code.

The district also shall offer counseling services to the
victim of the offense. However, the victim is not required to
participate in the counseling.

(D) As a condition of returning to school, a pupil who is
suspended or expelled under this section shall complete all
missed schoolwork and the required amount of counseling, as
determined by the superintendent. If the pupil does not complete

these requirements, the pupil may be permitted to return to
school provided the superintendent determines that the pupil has
made sufficient progress towards completing the requirements.

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If a parent, guardian, or custodian does not give
permission for a suspended or expelled pupil to undergo
counseling, the pupil shall not be permitted to return to
school.

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(E) No pupil shall be suspended or expelled under this
section unless, prior to the pupil's suspension or expulsion,
the superintendent does both of the following:

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(1) Gives the pupil and the pupil's parent, guardian, or
custodian written notice of the intention to suspend or expel
the pupil;

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(2) Provides the pupil and the pupil's parent, guardian,
custodian, or representative an opportunity to appear in person
before the superintendent or the superintendent's designee to
challenge the reasons for the intended suspension or expulsion
or otherwise to explain the pupil's actions.

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The notice required in this division shall include the
reasons for the intended suspension or expulsion, notification
of the opportunity of the pupil and the pupil's parent,
guardian, custodian, or representative to appear before the
superintendent or the superintendent's designee to challenge the
reasons for the intended suspension or expulsion or otherwise to
explain the pupil's action, and notification of the time and
place to appear. The time to appear shall not be earlier than
three nor later than five school days after the notice is given,
unless the superintendent grants an extension of time at the
request of the pupil or the pupil's parent, guardian, custodian,

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or representative. If an extension is granted after giving the 700
original notice, the superintendent shall notify the pupil and 701
the pupil's parent, guardian, custodian, or representative of 702
the new time and place to appear. 703

(F) The superintendent or principal, within one school day 704
after the time of a pupil's expulsion or suspension, shall 705
notify in writing the parent, guardian, or custodian of the 706
pupil and the treasurer of the board of education of the 707
expulsion or suspension. The notice shall include the reasons 708
for the expulsion or suspension, notification of the right of 709
the pupil or the pupil's parent, guardian, or custodian to 710
appeal the expulsion or suspension to the board of education or 711
to its designee, to be represented in all appeal proceedings, to 712
be granted a hearing before the board or its designee in order 713
to be heard against the suspension or expulsion, and to request 714
that the hearing be held in executive session. 715

In accordance with the policy adopted by the board of 716
education under this section, the notice provided under this 717
division shall specify the manner and date by which the pupil or 718
the pupil's parent, guardian, or custodian shall notify the 719
board of the pupil's, parent's, guardian's, or custodian's 720
intent to appeal the expulsion or suspension to the board or its 721
designee. 722

(G) A pupil or the pupil's parent, guardian, or custodian 723
may appeal the pupil's suspension or expulsion by a 724
superintendent or suspension by a superintendent, principal, 725
assistant principal, or other administrator to the board of 726
education or to its designee. If the pupil or the pupil's 727
parent, guardian, or custodian intends to appeal the suspension 728
or expulsion to the board or its designee, the pupil or the 729

pupil's parent, guardian, or custodian shall notify the board in 730
the manner and by the date specified in the notice provided 731
under division (E) of this section. The pupil or the pupil's 732
parent, guardian, or custodian may be represented in all appeal 733
proceedings and shall be granted a hearing before the board or 734
its designee in order to be heard against the suspension or 735
expulsion. At the request of the pupil or of the pupil's parent, 736
guardian, custodian, or attorney, the board or its designee may 737
hold the hearing in executive session but shall act upon the 738
suspension or expulsion only at a public meeting. The board, by 739
a majority vote of its full membership or by the action of its 740
designee, may affirm the order of suspension or expulsion, 741
reinstate the pupil, or otherwise reverse, vacate, or modify the 742
order of suspension or expulsion. 743

The board or its designee shall make a verbatim record of 744
hearings held under this division. The decisions of the board or 745
its designee may be appealed under Chapter 2506. of the Revised 746
Code. 747

(H) This section does not apply to any pupil in grades 748
kindergarten through three or a pupil who has a developmental 749
disability. 750

Sec. 3314.03. A copy of every contract entered into under 751
this section shall be filed with the superintendent of public 752
instruction. The department of education shall make available on 753
its web site a copy of every approved, executed contract filed 754
with the superintendent under this section. 755

(A) Each contract entered into between a sponsor and the 756
governing authority of a community school shall specify the 757
following: 758

(1) That the school shall be established as either of the following: 759
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 761
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(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 764
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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 766
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 770
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(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 774
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 778
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(6) (a) Dismissal procedures; 781

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the 782
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student. 787

(7) The ways by which the school will achieve racial and 788
ethnic balance reflective of the community it serves; 789

(8) Requirements for financial audits by the auditor of 790
state. The contract shall require financial records of the 791
school to be maintained in the same manner as are financial 792
records of school districts, pursuant to rules of the auditor of 793
state. Audits shall be conducted in accordance with section 794
117.10 of the Revised Code. 795

(9) An addendum to the contract outlining the facilities 796
to be used that contains at least the following information: 797

(a) A detailed description of each facility used for 798
instructional purposes; 799

(b) The annual costs associated with leasing each facility 800
that are paid by or on behalf of the school; 801

(c) The annual mortgage principal and interest payments 802
that are paid by the school; 803

(d) The name of the lender or landlord, identified as 804
such, and the lender's or landlord's relationship to the 805
operator, if any. 806

(10) Qualifications of teachers, including a requirement 807
that the school's classroom teachers be licensed in accordance 808
with sections 3319.22 to 3319.31 of the Revised Code, except 809
that a community school may engage noncertificated persons to 810
teach up to twelve hours per week pursuant to section 3319.301 811
of the Revised Code. 812

(11) That the school will comply with the following 813
requirements: 814

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 844
3313.611, and 3313.614 of the Revised Code, except that for 845
students who enter ninth grade for the first time before July 1, 846
2010, the requirement in sections 3313.61 and 3313.611 of the 847
Revised Code that a person must successfully complete the 848
curriculum in any high school prior to receiving a high school 849
diploma may be met by completing the curriculum adopted by the 850
governing authority of the community school rather than the 851
curriculum specified in Title XXXIII of the Revised Code or any 852
rules of the state board of education. Beginning with students 853
who enter ninth grade for the first time on or after July 1, 854
2010, the requirement in sections 3313.61 and 3313.611 of the 855
Revised Code that a person must successfully complete the 856
curriculum of a high school prior to receiving a high school 857
diploma shall be met by completing the requirements prescribed 858
in division (C) of section 3313.603 of the Revised Code, unless 859
the person qualifies under division (D) or (F) of that section. 860
Each school shall comply with the plan for awarding high school 861
credit based on demonstration of subject area competency, and 862
beginning with the 2017-2018 school year, with the updated plan 863
that permits students enrolled in seventh and eighth grade to 864
meet curriculum requirements based on subject area competency 865
adopted by the state board of education under divisions (J) (1) 866
and (2) of section 3313.603 of the Revised Code. Beginning with 867
the 2018-2019 school year, the school shall comply with the 868
framework for granting units of high school credit to students 869
who demonstrate subject area competency through work-based 870
learning experiences, internships, or cooperative education 871
developed by the department under division (J) (3) of section 872
3313.603 of the Revised Code. 873

(g) The school governing authority will submit within four 874

months after the end of each school year a report of its 875
activities and progress in meeting the goals and standards of 876
divisions (A) (3) and (4) of this section and its financial 877
status to the sponsor and the parents of all students enrolled 878
in the school. 879

(h) The school, unless it is an internet- or computer- 880
based community school, will comply with section 3313.801 of the 881
Revised Code as if it were a school district. 882

(i) If the school is the recipient of moneys from a grant 883
awarded under the federal race to the top program, Division (A), 884
Title XIV, Sections 14005 and 14006 of the "American Recovery 885
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 886
the school will pay teachers based upon performance in 887
accordance with section 3317.141 and will comply with section 888
3319.111 of the Revised Code as if it were a school district. 889

(j) If the school operates a preschool program that is 890
licensed by the department of education under sections 3301.52 891
to 3301.59 of the Revised Code, the school shall comply with 892
sections 3301.50 to 3301.59 of the Revised Code and the minimum 893
standards for preschool programs prescribed in rules adopted by 894
the state board under section 3301.53 of the Revised Code. 895

(k) The school will comply with sections 3313.6021 and 896
3313.6023 of the Revised Code as if it were a school district 897
unless it is either of the following: 898

(i) An internet- or computer-based community school; 899

(ii) A community school in which a majority of the 900
enrolled students are children with disabilities as described in 901
division (A) (4) (b) of section 3314.35 of the Revised Code. 902

(12) Arrangements for providing health and other benefits 903

to employees; 904

(13) The length of the contract, which shall begin at the 905
beginning of an academic year. No contract shall exceed five 906
years unless such contract has been renewed pursuant to division 907
(E) of this section. 908

(14) The governing authority of the school, which shall be 909
responsible for carrying out the provisions of the contract; 910

(15) A financial plan detailing an estimated school budget 911
for each year of the period of the contract and specifying the 912
total estimated per pupil expenditure amount for each such year. 913

(16) Requirements and procedures regarding the disposition 914
of employees of the school in the event the contract is 915
terminated or not renewed pursuant to section 3314.07 of the 916
Revised Code; 917

(17) Whether the school is to be created by converting all 918
or part of an existing public school or educational service 919
center building or is to be a new start-up school, and if it is 920
a converted public school or service center building, 921
specification of any duties or responsibilities of an employer 922
that the board of education or service center governing board 923
that operated the school or building before conversion is 924
delegating to the governing authority of the community school 925
with respect to all or any specified group of employees provided 926
the delegation is not prohibited by a collective bargaining 927
agreement applicable to such employees; 928

(18) Provisions establishing procedures for resolving 929
disputes or differences of opinion between the sponsor and the 930
governing authority of the community school; 931

(19) A provision requiring the governing authority to 932

adopt a policy regarding the admission of students who reside 933
outside the district in which the school is located. That policy 934
shall comply with the admissions procedures specified in 935
sections 3314.06 and 3314.061 of the Revised Code and, at the 936
sole discretion of the authority, shall do one of the following: 937

(a) Prohibit the enrollment of students who reside outside 938
the district in which the school is located; 939

(b) Permit the enrollment of students who reside in 940
districts adjacent to the district in which the school is 941
located; 942

(c) Permit the enrollment of students who reside in any 943
other district in the state. 944

(20) A provision recognizing the authority of the 945
department of education to take over the sponsorship of the 946
school in accordance with the provisions of division (C) of 947
section 3314.015 of the Revised Code; 948

(21) A provision recognizing the sponsor's authority to 949
assume the operation of a school under the conditions specified 950
in division (B) of section 3314.073 of the Revised Code; 951

(22) A provision recognizing both of the following: 952

(a) The authority of public health and safety officials to 953
inspect the facilities of the school and to order the facilities 954
closed if those officials find that the facilities are not in 955
compliance with health and safety laws and regulations; 956

(b) The authority of the department of education as the 957
community school oversight body to suspend the operation of the 958
school under section 3314.072 of the Revised Code if the 959
department has evidence of conditions or violations of law at 960

the school that pose an imminent danger to the health and safety 961
of the school's students and employees and the sponsor refuses 962
to take such action. 963

(23) A description of the learning opportunities that will 964
be offered to students including both classroom-based and non- 965
classroom-based learning opportunities that is in compliance 966
with criteria for student participation established by the 967
department under division (H) (2) of section 3314.08 of the 968
Revised Code; 969

(24) The school will comply with sections 3302.04 and 970
3302.041 of the Revised Code, except that any action required to 971
be taken by a school district pursuant to those sections shall 972
be taken by the sponsor of the school. However, the sponsor 973
shall not be required to take any action described in division 974
(F) of section 3302.04 of the Revised Code. 975

(25) Beginning in the 2006-2007 school year, the school 976
will open for operation not later than the thirtieth day of 977
September each school year, unless the mission of the school as 978
specified under division (A) (2) of this section is solely to 979
serve dropouts. In its initial year of operation, if the school 980
fails to open by the thirtieth day of September, or within one 981
year after the adoption of the contract pursuant to division (D) 982
of section 3314.02 of the Revised Code if the mission of the 983
school is solely to serve dropouts, the contract shall be void. 984

(26) Whether the school's governing authority is planning 985
to seek designation for the school as a STEM school equivalent 986
under section 3326.032 of the Revised Code; 987

(27) That the school's attendance and participation 988
policies will be available for public inspection; 989

(28) That the school's attendance and participation 990
records shall be made available to the department of education, 991
auditor of state, and school's sponsor to the extent permitted 992
under and in accordance with the "Family Educational Rights and 993
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 994
and any regulations promulgated under that act, and section 995
3319.321 of the Revised Code; 996

(29) If a school operates using the blended learning 997
model, as defined in section 3301.079 of the Revised Code, all 998
of the following information: 999

(a) An indication of what blended learning model or models 1000
will be used; 1001

(b) A description of how student instructional needs will 1002
be determined and documented; 1003

(c) The method to be used for determining competency, 1004
granting credit, and promoting students to a higher grade level; 1005

(d) The school's attendance requirements, including how 1006
the school will document participation in learning 1007
opportunities; 1008

(e) A statement describing how student progress will be 1009
monitored; 1010

(f) A statement describing how private student data will 1011
be protected; 1012

(g) A description of the professional development 1013
activities that will be offered to teachers. 1014

(30) A provision requiring that all moneys the school's 1015
operator loans to the school, including facilities loans or cash 1016
flow assistance, must be accounted for, documented, and bear 1017

interest at a fair market rate; 1018

(31) A provision requiring that, if the governing 1019
authority contracts with an attorney, accountant, or entity 1020
specializing in audits, the attorney, accountant, or entity 1021
shall be independent from the operator with which the school has 1022
contracted. 1023

(B) The community school shall also submit to the sponsor 1024
a comprehensive plan for the school. The plan shall specify the 1025
following: 1026

(1) The process by which the governing authority of the 1027
school will be selected in the future; 1028

(2) The management and administration of the school; 1029

(3) If the community school is a currently existing public 1030
school or educational service center building, alternative 1031
arrangements for current public school students who choose not 1032
to attend the converted school and for teachers who choose not 1033
to teach in the school or building after conversion; 1034

(4) The instructional program and educational philosophy 1035
of the school; 1036

(5) Internal financial controls. 1037

When submitting the plan under this division, the school 1038
shall also submit copies of all policies and procedures 1039
regarding internal financial controls adopted by the governing 1040
authority of the school. 1041

(C) A contract entered into under section 3314.02 of the 1042
Revised Code between a sponsor and the governing authority of a 1043
community school may provide for the community school governing 1044
authority to make payments to the sponsor, which is hereby 1045

authorized to receive such payments as set forth in the contract 1046
between the governing authority and the sponsor. The total 1047
amount of such payments for monitoring, oversight, and technical 1048
assistance of the school shall not exceed three per cent of the 1049
total amount of payments for operating expenses that the school 1050
receives from the state. 1051

(D) The contract shall specify the duties of the sponsor 1052
which shall be in accordance with the written agreement entered 1053
into with the department of education under division (B) of 1054
section 3314.015 of the Revised Code and shall include the 1055
following: 1056

(1) Monitor the community school's compliance with all 1057
laws applicable to the school and with the terms of the 1058
contract; 1059

(2) Monitor and evaluate the academic and fiscal 1060
performance and the organization and operation of the community 1061
school on at least an annual basis; 1062

(3) Report on an annual basis the results of the 1063
evaluation conducted under division (D) (2) of this section to 1064
the department of education and to the parents of students 1065
enrolled in the community school; 1066

(4) Provide technical assistance to the community school 1067
in complying with laws applicable to the school and terms of the 1068
contract; 1069

(5) Take steps to intervene in the school's operation to 1070
correct problems in the school's overall performance, declare 1071
the school to be on probationary status pursuant to section 1072
3314.073 of the Revised Code, suspend the operation of the 1073
school pursuant to section 3314.072 of the Revised Code, or 1074

terminate the contract of the school pursuant to section 3314.07 1075
of the Revised Code as determined necessary by the sponsor; 1076

(6) Have in place a plan of action to be undertaken in the 1077
event the community school experiences financial difficulties or 1078
closes prior to the end of a school year. 1079

(E) Upon the expiration of a contract entered into under 1080
this section, the sponsor of a community school may, with the 1081
approval of the governing authority of the school, renew that 1082
contract for a period of time determined by the sponsor, but not 1083
ending earlier than the end of any school year, if the sponsor 1084
finds that the school's compliance with applicable laws and 1085
terms of the contract and the school's progress in meeting the 1086
academic goals prescribed in the contract have been 1087
satisfactory. Any contract that is renewed under this division 1088
remains subject to the provisions of sections 3314.07, 3314.072, 1089
and 3314.073 of the Revised Code. 1090

(F) If a community school fails to open for operation 1091
within one year after the contract entered into under this 1092
section is adopted pursuant to division (D) of section 3314.02 1093
of the Revised Code or permanently closes prior to the 1094
expiration of the contract, the contract shall be void and the 1095
school shall not enter into a contract with any other sponsor. A 1096
school shall not be considered permanently closed because the 1097
operations of the school have been suspended pursuant to section 1098
3314.072 of the Revised Code. 1099

Sec. 3326.11. Each science, technology, engineering, and 1100
mathematics school established under this chapter and its 1101
governing body shall comply with sections 9.90, 9.91, 109.65, 1102
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1103
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 1104

3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1105
3313.481, 3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 1106
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1107
3313.6021, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 1108
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 1109
3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 1110
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 1111
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 1112
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 1113
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 1114
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.17, 3321.18, 1115
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 1116
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 1117
4112., 4123., 4141., and 4167. of the Revised Code as if it were 1118
a school district. 1119

Sec. 3345.19. (A) Each state institution of higher 1120
education shall adopt a policy, including rules, regarding 1121
harassment, intimidation, or bullying and hazing. The policy 1122
shall include penalties for harassment, intimidation, or 1123
bullying and hazing, including sanctions, fines, the withholding 1124
of a diploma or transcript, probation, suspension, and 1125
expulsion. 1126

(B) As used in this section: 1127

(1) "Harassment, intimidation, or bullying" means any 1128
intentional written, verbal, electronic, or physical act that a 1129
student has exhibited toward another particular student or an 1130
administrator, employee, faculty member, consultant, or 1131
volunteer of the institution more than once and the behavior 1132
both: 1133

(a) Causes mental or physical harm to the other student or 1134

the administrator, employee, faculty member, consultant, or 1135
volunteer; 1136

(b) Is sufficiently severe, persistent, or pervasive that 1137
it creates an intimidating, threatening, or abusive educational 1138
environment for the other student or the administrator, 1139
employee, faculty member, consultant, or volunteer. 1140

(2) "Hazing" has the same meaning as in section 2903.31 of 1141
the Revised Code. 1142

(3) "State institution of higher education" has the same 1143
meaning as in section 3345.011 of the Revised Code. 1144

Section 2. That existing sections 2903.31, 3313.66, 1145
3313.661, 3313.666, 3314.03, and 3326.11 of the Revised Code are 1146
hereby repealed. 1147

Section 3. This act shall be known as the "Ohio Anti- 1148
Bullying and Hazing Act." 1149

From: Baker, Dan
Sent: Thursday, September 14, 2017 11:18 AM
To: Staff_GOP
Subject: Budget Presentation Follow up
Attachments: Veto Message - AmSubHB 49.pdf; Am. Sub. HB 49 Budget Talking Points.pdf; Veto override effective date memo.pdf

As a follow up to the presentation today attached are the documents I said I would email.

The first attachment is the H.B. 49 talking points that the Communications Department put together.

The second attachment is the H.B. 49 veto message from the Governor.

The third attachment is a memo from LSC regarding effective dates of the veto overrides.

Please let me know if you have any questions.

Thanks,

Dan Baker
Budget Director, Ohio House of Representatives
House Majority Caucus
(614)466-2235

STATE OF OHIO
Executive Department

OFFICE OF THE GOVERNOR

Columbus

VETO MESSAGE

**STATEMENT OF THE REASONS FOR THE VETO OF ITEMS IN
AMENDED SUBSTITUTE HOUSE BILL 49**

JUNE 30, 2017

Pursuant to Article II, Section 16 of the Ohio Constitution, which states that the Governor may disapprove any items in a bill making an appropriation of money, I hereby disapprove the following items contained in Amended Substitute House Bill 49 and set forth below the reasons for so doing. The text I am disapproving is identified in this message by reference to the corresponding page and boxed text of the bill.

ITEM NUMBER 1

On page 14 delete the following boxed text "213.10,".

On page 3297 delete the following boxed text "213.10,".

On page 3297 delete the boxed text beginning with "Sec. 213.10 DAS DEPARTMENT OF ADMINISTRATIVE..." and ending at the bottom of the page.

On page 3298 delete the boxed text beginning at the top of the page and ending with "...shall be paid to the county's general fund."

On page 3299 delete "213.10,".

Funding for Voting Machine Upgrades

This provision would create a \$1,000,000 capital appropriation to reimburse counties for the purchase of new voting machines and associated services and equipment made on or after January 1, 2014. County boards of elections and commissioners should work with the General Assembly, Secretary of State and the Department of Administrative Services to craft a forward-looking, comprehensive plan to deal with these needs. However, this provision creates a potentially retroactive capital appropriation that not only sets a bad precedent but also

jeopardizes the tax exempt status of the bonds used for this appropriation. Therefore, this veto is in the public interest.

ITEM NUMBER 2

On page 8 delete the following boxed text "125.03,".

On page 19 delete the following boxed text "125.03,".

On page 179 delete the boxed text beginning with "Sec. 125.03 (A) Any state agency..." and ending at the bottom of the page.

On page 180 delete the boxed text beginning at the top of the page and ending with "...approval of the controlling board."

Purchase of Energy and Automatic Data Processing, Computer, and Electronic Devices

This provision requires state agencies to obtain approval from the Controlling Board for energy or information technology-related purchases with an aggregate value in excess of \$50,000 in a five-year period—regardless of whether or not the purchases were competitively bid. It also imposes research requirements not relevant to many of the affected purchases and identifies information technology products and services in outdated, potentially limiting ways no longer used by the state, contractors or the IT industry. The costs and delays that are likely to result from these provisions are significant, and will increase expenses paid by Ohio taxpayers. Additionally, in making state contracts less attractive due to their increased complexity and delay, this provision would have the unfortunate consequence of driving away many small and minority vendors from state contracts. Furthermore, many of the reasons that gave rise to this provision being originally offered in the Ohio House of Representatives have been addressed in improvements to procurement practices and new transparency measures approved by the Controlling Board on June 12th. Therefore, this veto is in the public interest.

ITEM NUMBER 3

On page 1 delete the following boxed text "131.35,".

On page 15 delete the following boxed text "131.35,".

On page 203 delete the boxed text beginning with "Sec. 131.35 (A) With respect ..." and ending at the bottom of the page.

On page 204 delete the boxed text beginning at the top of the page and ending with "... for that fiscal year."

On page 2435 delete the following boxed text "131.35,".

Controlling Board Authority

This provision severely limits the power of the Controlling Board to determine amounts by which appropriations may be adjusted and to create new funds. As such, this represents a

significant impediment to the authority and effectiveness of the Controlling Board, which could potentially have a negative impact on state agencies' ability to respond in a timely fashion to issues of emerging or urgent concern. Therefore, this veto is in the public interest.

ITEM NUMBER 4

On page 1 delete the following boxed text "122.01,".
On page 1 delete the following boxed text "122.33,".
On page 15 delete the following boxed text "122.01,".
On page 15 delete the following boxed text "122.33,".
On page 109 delete the boxed text beginning with "Sec. 122.01. (A) As used in the Revised Code..." and ending at the bottom of the page.
On page 110 delete the boxed text beginning at the top of the page and ending with "...technology division of the agency."
On page 151 delete the boxed text beginning with "Sec. 122.33. The director of development services shall..." and ending at the bottom of the page.
On page 152 delete the boxed text.
On page 153 delete the boxed text beginning at the top of the page and ending with "...or services within the state."
On page 2435 delete the following boxed text "122.01,".
On page 2435 delete the following boxed text "122.33,".

Thomas Alva Edison Grant Program

This provision would restore the Edison Center Program and also allow Ohio taxpayer dollars to support non-Ohio companies. Ohio job creation policy has not practiced an institution-centered focus for several years, and the policy of instead prioritizing resources on individual, private sector job creators—as well as the privatization of economic development efforts through the creation of JobsOhio—have helped produce substantial benefits for Ohio, including more than 450,000 new private sector jobs. Returning to outdated policies risks losing the forward momentum that Ohio's economy has achieved and perhaps even going backward. Therefore, this veto is in the public interest.

ITEM NUMBER 5

On page 2130 delete the boxed text beginning with ", for purposes of calculating, ." and ending with "...division (C)(1) of this section,".
On page 2130 delete the following boxed text "(3)(4)".
On page 2130 delete the boxed text beginning with "'Total resources' means, ..." and ending at the bottom of the page.
On page 2131 delete the boxed text beginning with "under divisions (C)(1) and (D) ..." and ending with "... county student fund. (6)".
On page 2131 delete the following boxed text "263.240 263.230".
On page 2131 delete the following boxed text "59 64" both times where it appears.

On page 2131 delete the following boxed text "130th 131st" both times where it appears.
On page 2131 delete the following boxed text "263.250 263.240".
On page 2132 delete the following boxed text "(5)(7)".
On page 2132 delete the following boxed text "(6)(8)".
On page 2132 delete the following boxed text "(7)(9)".
On page 2132 delete the following boxed text "(8)(10)".
On page 2132 delete the following boxed text "(3)(4)".
On page 2132 delete the following boxed text "(9)(11)".
On page 2132 delete the following boxed text "(10)(12)".
On page 2132 delete the following boxed text "(11)(13)".
On page 2133 delete the following boxed text "(12)(14)".
On page 2133 delete the following boxed text "(13)(15)".
On page 2133 delete the following boxed text "(14)(16)".
On page 2133 delete the following boxed text "(15)(17)".
On page 2133 delete the following boxed text "and other than".
On page 2133 delete the following boxed text "following amounts:".
On page 2134 delete the boxed text beginning with "(a) For fiscal year 2018. . ." and ending with ". . . of this section. (i) The".
On page 2134 delete the following boxed text "(b)(a)(i)(II)".
On page 2134 delete the following boxed text "(i)(I)".
On page 2134 delete the following boxed text "(a)(I)".
On page 2134 delete the following boxed text "or (c)(2)".
On page 2134 delete the following boxed text "the immediately preceding".
On page 2134 delete the following boxed text "2017".
On page 2134 delete the following boxed text "(b)(II)".
On page 2134 delete the boxed text beginning with "(ii) The difference obtained. . ." and ending with ". . . 2017, and 2018. (3)".
On page 2134 delete the boxed text beginning with "In fiscal year 2018 and subsequent fiscal years, . . ." and ending at the bottom of the page.
On page 2135 delete the boxed text beginning at the top of the page and ending with "...district's total resources. (4)".
On page 2135 delete the boxed text beginning with "Total resources" used to compute. . ." and ending with ". . . payable for tax year 2016."
On page 2135 delete the following boxed text "(4)(5)".
On page 3377 delete the boxed text beginning with "Section 803.340. . ." and ending with ". . . year 2018 and thereafter."

Reimbursement Payments for Fixed-Rate TPP Tax Losses

This provision would extend reimbursement payments to school districts for tangible personal property (TPP) and utility property tax revenue losses for a number of years into the future by slowing down the previously-enacted phase-out schedule of the reimbursements. The tax code changes that originally gave rise to these reimbursement payments were passed in 1999 and 2000 (for utility property) and 2005 (for general business TPP), and the original schedule approved by the General Assembly would have completely phased out the payments by FY 2019. This schedule has already been extended beyond FY2019 for those districts most reliant on these

payments, which has given them more than sufficient time to prepare for the end of this funding. Continually extending the reimbursement payments as this provision would do, and making only small reductions in their amounts, merely postpones the inevitable transition that districts must make.

One must also recognize that these reimbursement payments go primarily to districts with a greater ability to raise their own revenue. As a result, using state tax revenues to increase and extend these payments diverts state resources that could be used for lower-wealth districts, and contravenes the original intent of the law that these reimbursements should be temporary and decline on a known and reasonable schedule. The provision would also temporarily increase reimbursements to a small number of districts facing special challenges. The Administration recognizes the challenges of this small subset of districts and is willing to work with the General Assembly and these districts to try and address their issues. This issue notwithstanding, because this provision directs scarce public funds to higher wealth districts at the expense of lower wealth ones, and because it prolongs a transition process begun in 2002 and which should have already concluded, this veto is in the public interest.

ITEM NUMBER 6

On page 2 delete the following boxed text "3310.522,"
On page 2 delete the following boxed text "3313.612,"
On page 16 delete the following boxed text "3310.522,"
On page 16 delete the following boxed text "3313.612,"
On page 751 delete the following boxed text "For Except as provided in division (L)(4) of this section, for" in both instances it occurs.
On page 751 delete the following boxed text "division divisions".
On page 751 delete the following boxed text "and (4)".
On page 752 delete the boxed text beginning with "(4) For a student..." and ending with "for state accountability purposes."
On page 806 delete the boxed text beginning at the top of the page and ending with "...who is not a scholarship student."
On page 840 delete the boxed text beginning with "Sec. 3313.612. (A) No nonpublic..." and ending at the bottom of the page.
On page 841 delete the boxed text.
On page 842 delete the boxed text beginning at the top of the page and ending with "...3301.0712 of the Revised Code."
On page 2436 delete the following boxed text "3310.522,".
On page 2436 delete the following boxed text "3313.612,".

Exemption from State Test and Graduation Requirements for Selected Schools

This provision would exempt from state assessment and graduation requirements all students at chartered nonpublic schools in which at least 75 percent of students are children with disabilities

who receive special education and related services. The enforcement of these standards should not depend on the type of school a student attends, nor the abilities of a school's students. This provision could create lower expectations for all students at these schools, including children with disabilities receiving special education and related services, and potentially diminish their ability to succeed after high school. Therefore, this veto is in the public interest.

ITEM NUMBER 7

On page 874 delete the boxed text beginning with "If the department uses a component..." and ending with "...academic performance component under this section."

On page 875 delete the following boxed text "If the department uses a points system to determine component ratings".

On page 876 delete the boxed text beginning at the top of the page and ending with "...prescribed in division (B)(1)(a) of this section."

Progress Weighting for Community School Sponsor Evaluations

This provision requires the Department of Education to increase from 20 percent to 60 percent the weight given to the "Progress" category score when computing a total score for the "Academic Performance" component of the Department's community school sponsor evaluation system. Additionally, in certain cases the provision would prohibit the Department from rating a sponsor "Ineffective" if it scores a "zero" in the system's Compliance or Quality Practices components. Because current law requires a 20 percent weight for Progress in the report cards of public schools and districts, raising that requirement to 60 percent exclusively for community schools for the purposes of sponsor evaluation would hold those schools to lower standards than traditional public schools. Given the use of a 100-point scale, this change would unavoidably lead to a reduction in the weight given to all other factors in the accountability measure, including student achievement and graduation rates, which are important measures of a school's performance. Additionally, by prohibiting the Department from considering the Compliance or Quality Practices components from its sponsor evaluations, this provision would essentially exempt community schools from complying with standards that the General Assembly has decided are important for schools to follow. Managing school accountability systems in a uniform way drives strong standards for all Ohio schools and improves educational opportunities for all of Ohio's students and lowering those standards—even in a seemingly narrow way as this provision—undermines this progress. Therefore, this veto is in the public interest.

ITEM NUMBER 8

On page 877 delete the boxed text beginning with "(d) Notwithstanding division (F)(3) of section 3314.02..." and ending with "...within the service territory of the service center or in a contiguous county.".

Educational Service Center Community School Sponsor Requirements

This provision would permit Educational Service Centers (ESC) rated "Effective" to sponsor a community school anywhere in the state. Currently, most ESCs can only sponsor schools in their own and contiguous counties, unless they obtain permission from the Department of Education and sign a contract to do so. Limiting the privilege to sponsor additional schools in this way serves to raise the bar for sponsors and gives the Department the ability to reward high-performing sponsors with the right to sponsor additional schools. This provision would eliminate an incentive the Department can use to encourage higher performance by sponsors, and weaken the Administration's and General Assembly's efforts to build a robust community school sector. Therefore, this veto is in the public interest.

ITEM NUMBER 9

On page 3091 delete the boxed text beginning with "Section 265.500 (A) "Eligible sponsor" means a sponsor..." and ending with "...an overall rating of "ineffective" or higher.".

Community School Sponsor Authority Revocation Exception

This provision would allow a community school sponsor that had its sponsorship authority revoked due to the 2015-2016 sponsorship evaluations due to poor performance to renew its sponsorship for the 2017-2018 school year if the sponsor received at least a "3" or "4" out of "4," in the Academic component and "zeros" for the Quality Practices and Compliance components of the sponsor evaluation. Ohio has worked hard in recent years to improve the quality of all education efforts, including in the community school space. The focus on holding sponsors accountable for their performance as sponsors is key to improvement in community schools and creating these types of seemingly narrow exceptions to the new, higher standards only undermines these efforts. Therefore, this veto is in the public interest.

ITEM NUMBER 10

On page 2 delete the following boxed text "3302.151,".
On page 3 delete the following boxed text "3319.111, 3319.22, 3319.227, 3319.26,".
On page 3 delete the following boxed text "3319.61,".
On page 3 delete the following boxed text "3333.048,".
On page 3 delete the following boxed text "3333.39,".

On page 9 delete the following boxed text "3319.223,".
 On page 16 delete the following boxed text "3302.151,".
 On page 16 delete the following boxed text "3319.111, 3319.22, 3319.227, 3319.26,".
 On page 16 delete the following boxed text "3319.61,".
 On page 16 delete the following boxed text "3333.048,".
 On page 17 delete the following boxed text "3333.39,".
 On page 791 delete the boxed text beginning with "Sec. 3302.151. (A) Notwithstanding ..." and ending at the bottom of the page.
 On page 792 delete the boxed text.
 On page 793 delete the boxed text beginning with "(F) As used in this section ..." and ending with "... 3319.31 of the Revised Code.".
 On page 1023 delete the boxed text beginning with "(F) Notwithstanding ..." and ending at the bottom of the page.
 On page 1024 delete the boxed text.
 On page 1025 delete the boxed text.
 On page 1026 delete the boxed text.
 On page 1027 delete the boxed text.
 On page 1028 delete the boxed text.
 On page 1029 delete the boxed text.
 On page 1030 delete the boxed text.
 On page 1031 delete the boxed text.
 On page 1032 delete the boxed text.
 On page 1033 delete the boxed text.
 On page 1034 delete the boxed text.
 On page 1040 delete the boxed text beginning with "Sec. 3319.61. (A) The educator ..." and ending at the bottom of the page.
 On page 1041 delete the boxed text.
 On page 1042 delete the boxed text.
 On page 1043 delete the boxed text.
 On page 1044 delete the boxed text beginning at the top of the page and ending with "... state board of education.".
 On page 1056 delete the boxed text beginning with "Sec. 3333.048 (A) Not later ..." and ending at the bottom of the page.
 On page 1057 delete the boxed text.
 On page 1058 delete the boxed text beginning at the top of the page and ending with "... 33198.22 of the Revised Code.".
 On page 1067 delete the boxed text beginning with "Sec. 3333.39 The chancellor ..." and ending at the bottom of the page.
 On page 1068 delete the boxed text beginning at the top of the page and ending with "... and the superintendent.".
 On page 2436 delete the following boxed text "3302.151,".
 On page 2436 delete the following boxed text "3319.111, 3319.22, 3319.227, 3319.26,".
 On page 2436 delete the following boxed text "3319.61,".
 On page 2436 delete the following boxed text "3333.048,".
 On page 2436 delete the following boxed text "3333.39,".
 On page 2439 delete the following boxed text "3319.223,".

On page 3330 delete the boxed text beginning with "SECTION 733.60. Beginning ..." and ending at the bottom of the page.

On page 3331 delete the boxed text beginning at the top of the page and ending with "... an educator license."

Elimination of Ohio Resident Educator Program

This provision eliminates the four-year program for new teachers that they complete in order to prepare for a professional educator license issued by the State Board of Education. Elimination of this program creates a situation where teachers have no path to move from resident educator to professional licenses. One-on-one mentoring support, instructional guidance and detailed, objective feedback on classroom performance help new teachers drive improved student learning and achievement. Having a program that provides feedback and support to teachers in their first years of teaching is critical for student success and for retaining teachers. Therefore, this veto is in the public interest.

ITEM NUMBER 11

On page 748 delete the boxed text beginning with "(4) A school district, other public school..." and ending at the bottom of the page.

On page 749 delete the following boxed text "assessments regardless of the format selected by the district or school."

On page 755 delete the following boxed text beginning with "(5) 'Other public school' means a community school..." and ending with "...established under Chapter 3328. of the Revised Code."

Paper and Online Tests

This provision would allow Ohio's public and private schools to choose between administering state achievement assessments in either paper or online formats. Currently, approximately 98 percent of tests are administered online, per state requirements, with the remaining 2 percent being administered on paper under waivers issued by the Ohio Department of Education to districts and schools with exceptional circumstances—a process that remains in place. The move towards online testing has allowed for faster turnaround in testing results, lowered testing costs, and encouraged schools to utilize more technology in the classroom, thus better preparing Ohio students for the demands of higher education and the workforce. Therefore, this veto is in the public interest.

ITEM NUMBER 12

On page 1099 delete boxed text beginning with "require a participant to receive..." and ending with "...The policy also shall".

On page 1101 delete the boxed text beginning with "Implement a policy for the awarding..." and ending with "(H)".

On page 1101 delete the following boxed text "(H)(I)".

On page 1101 delete the following boxed text "(H)(J)".

On page 1108 delete the following boxed text "High In accordance with division (E) of section 3365.04 of the Revised Code, high".

On page 1109 delete the following boxed text "(H)(I)".

College Credit Plus Minimum Grade Requirement

High expectations are important for leading students to high achievement, but this provision sets a different bar for College Credit Plus students than it does for students not enrolled in College Credit Plus. Students not participating in College Credit Plus are able to earn high school or college credit for lower scores, which means that this provision creates inequities between College Credit Plus students and those not taking such classes. Additionally, other provisions in the budget bill require the Ohio Department of Higher Education and the Ohio Department of Education to develop policies that address the issue of students who do not achieve appropriate standards in College Credit Plus classes, a requirement that renders this provision unneeded. Therefore, this veto is in the public interest.

ITEM NUMBER 13

On page 7 delete the following boxed text "5747.51, 5747.53,".

On page 9 delete the following boxed text "5747.504,".

On page 19 delete the following boxed text "5747.51, 5747.53,".

On page 19 delete the following boxed text "5747.504,".

On page 2344 delete the following boxed text "or 5747.504,".

On page 2347 delete the boxed text beginning with "Sec. 5747.504. (A) As used in this section..." and ending at the bottom of the page.

On page 2348 delete the boxed text.

On page 2349 delete the boxed text.

On page 2350 delete the boxed text.

On page 2351 delete the boxed text.

On page 2352 delete the boxed text.

On page 2353 delete the boxed text.

On page 2354 delete the boxed text.

On page 2355 delete the boxed text.

On page 2356 delete the boxed text.

On page 2357 delete the boxed text.

On page 2358 delete the boxed text beginning at the top of the page and ending with "...failure to comply with the formula."

On page 2438 delete the following boxed text "5747.51, 5747.53,".

On page 3374 delete the following boxed text "5747.504, 5747.51, and"

On page 3374 delete the following boxed text "5747.53".

Local Government Fund Penalty for Municipal Water and Sewer Actions

This provision would impose a financial penalty on the City of Columbus, and no other municipality in Ohio, in the form of reduced funding from the Local Government Fund (LGF) if the city's water or sewer system charges different rates in 2022 between resident and nonresident customers. Additionally, this provision would impose an additional, separate LGF penalty on the City of Columbus if its water or sewer system imposes a rate increase across its total customer base to cover the cost of new infrastructure improvements that are made in a single locality served by the city's water or sewer system. It is a standard practice among water and sewer systems nationwide to maintain differential pricing among customer localities, given that not all customers generate the same costs. Geography, population density and distance can all impact the cost of serving a particular locality. Additionally, it is a reasonable and standard practice for the cost of new infrastructure improvements to be distributed among all of a system's customers in order to help make such projects less costly to any locality making improvements. Furthermore, the provision would put the cost of future projects entirely on the backs of the individual locality in which it takes place and the residents and businesses within the borders of the City of Columbus. Not only does this provision break with established statewide and nationwide policies for funding infrastructure projects, it would impose unrealistic and unsustainable costs on localities and impose unique burdens on the City of Columbus and its water and sewer customers that others in Ohio would not experience, putting the region at a disadvantage for economic development versus other regions of the state. Therefore this veto is in the public interest.

ITEM NUMBER 14

On page 8 delete the following boxed text "3318.037,".

On page 19 delete the following boxed text "3318.037,".

On page 949 delete the boxed text beginning with "Sec. 3318.037. (A) For purposes of this section" and ending at the bottom of the page.

On page 950 delete the boxed text beginning at the top of the page and ending with "...subsequent segment of the project under this section.".

School Facilities Assistance Segmenting

This provision would allow certain school districts to reduce the amount of matching funds they are required to produce in order to receive state funds. Currently, some school districts have a

“segmented” construction plan, where projects supported by Classroom Facilities Assistance Program (CFAP) funding are completed in stages. By changing the protocol by which the state/local funding share percentages are determined, school districts with these segmented projects would pay less and shift more costs to the state, which reduces the funds that are available to support other districts not identified by this provision for this kind of favorable consideration. Beyond this obvious inequity, urban districts with segmented construction plans are specifically excluded from benefiting from this provision—a troubling imbalance given that many of the greatest school construction needs exist in Ohio’s urban school districts. The provision would currently benefit 29 districts, and the costs imposed on the state by those 29 would likely exceed a combined total of \$256 million. Additionally, as yet undetermined, cost increases would be imposed on the state when 228 additional school districts become subject to this provision going forward. Those significant costs reduce the funds that are available to help other schools, create an enormous shift in resources, and lead to fundamental inequities. Therefore, this veto is in the public interest.

ITEM NUMBER 15

On page 8 delete the following boxed text “3318.421,”.

On page 19 delete the following boxed text “3318.421,”.

On page 1010 delete the boxed text beginning with “Sec. 3318.421. A project under this...” and ending at the bottom of the page.

On page 1011 delete the boxed text beginning at the top of the page and ending with “...year adequate for this section.”.

Joint Vocational School District Projects

This provision would redirect funding from the K-12 Classroom Facilities Assistance Program (CFAP) to the JVS Vocational Facilities Assistance Program (VFAP) by providing for one additional JVS project each year in the biennium and capping the local share of costs for existing projects at 50 percent. This language represents a fundamental departure from principles of fairness and equity that have guided Ohio’s school building program since 1997 by ignoring a JVS district’s wealth, capping its share of costs at 50 percent, and moving it ahead of K-12 districts in the state that have been waiting for assistance. Further, by requiring the state to pay more for projects in high-wealth JVS districts, this provision would increase state costs by as much as \$36 million over the biennium and reduce resources available to other, often lower-wealth, districts. Therefore, this veto is in the public interest.

ITEM NUMBER 16

On page 8 delete the following boxed text "190.01,".
On page 8 delete the following boxed text "190.02,".
On page 19 delete the following boxed text "190.01, 190.02,".
On page 315 delete the boxed text beginning with "Sec. 190.01. "The Health Care Compact" is hereby ratified..." and ending at the bottom of the page.
On page 316 delete the boxed text.
On page 317 delete the boxed text.
On page 318 delete the boxed text.
On page 319 delete the boxed text beginning at the top of the page and ending with "...fill a vacancy not later than thirty days after the vacancy occurs."

Health Care Compact

This provision would require Ohio to join an effort started in 2010 to create a multi-state health care compact that would assume regulatory responsibilities from the federal government for health care activities within compact member states. Additionally, joining the compact would result in Ohio's federal health care funding, with the exception of veterans health care efforts, being block-granted at 2010 spending levels. The negative impact of rolling back funding levels would impede Ohio's ability to administer health care effectively, potentially cause an estimated 700,000 Ohioans to lose their existing health care coverage and limit resources to address the behavioral health care needs of the most vulnerable Ohioans. Therefore, this veto is in the public interest.

ITEM NUMBER 17

On page 4 delete the following boxed text "3749.01, 3749.02, 3749.03, 3749.04, 3749.05, 3749.06, 3749.07,".
On page 17 delete the following boxed text "3749.01, 3749.02, 3749.03,".
On page 17 delete the following boxed text "3749.04, 3749.05, 3749.06, 3749.07,".
On page 577 delete the following boxed text "No person shall operate an aquatic amusement ride, as defined in section 3749.01 of the Revised Code, without also complying with Chapter 3749. of the Revised Code."
On page 1318 delete the boxed text beginning with "Sec. 3749.01. As used in sections..." and ending at the bottom of the page.
On page 1319 delete the boxed text.
On page 1320 delete the boxed text.
On page 1321 delete the boxed text.
On page 1322 delete the boxed text.
On page 1323 delete the boxed text beginning at the top of the page and ending with "...under division (E) of section 3749.04 of the Revised Code."
On page 2437 delete the following boxed text "3749.01, 3749.02,".

On page 2437 delete the following boxed text “3749.03, 3749.04, 3749.05, 3749.06, 3749.07,”.
On page 3334 delete the boxed text beginning with “SECTION 737.31. Any person who...” and ending with “...section 3749.04 of the Revised Code.”

Ohio Department of Health and Local Health District to Approve, License, and Inspect Amusement Rides

This provision seeks to require aquatic amusement rides built after the bill’s effective date to be inspected by the Ohio Department of Health. Currently such rides—and all other amusement rides—are inspected exclusively by the Ohio Department of Agriculture, which has specialized inspection resources for the various types of amusement rides found in Ohio, including aquatic rides. Because this provision fails to abolish ODA’s authority it would result in aquatic rides being inspected by both the departments of Agriculture and Health. This creates additional regulatory complexity and expense without adding additional substantive benefits to Ohioans or amusement park operators. Furthermore, the provision could potentially have the unintended consequence of subjecting private, backyard swimming pools that have accessories such as slides, to regulation by the Department of Health. Therefore, this veto is in the public interest.

ITEM NUMBER 18

On page 3 delete the following boxed text “3345.48,”.
On page 17 delete the following boxed text “3345.48,”.
On page 1076 delete the boxed text beginning with “Sec. 3345.48. (A) As used in this section...” and ending at the bottom of the page.
On page 1077 delete the boxed text.
On page 1078 delete the boxed text.
On page 1079 delete the boxed text beginning with “(D) A board of trustees...” and ending with “...tuition guarantee program under this section.”.
On page 2436 delete the following boxed text “3345.48,”.

Undergraduate Tuition Guarantee Program

This provision would allow any of Ohio’s public universities that choose to initiate a tuition guarantee program to increase tuition by 8 percent for the first cohort, as compared to the 6 percent currently allowed. This represents a departure from the system of affordability measures and initiatives put into place in recent years by the Administration and the General Assembly, and works in opposition to Ohio’s goal of increasing access to higher education to improve career opportunities for Ohioans and make Ohio’s workforce more desirable to job creators. The resulting potential damage to Ohioans’ higher education access and career opportunities, as well as the state’s workforce and economy, must be avoided. Therefore, this veto is in the public interest.

ITEM NUMBER 19

On page 3218 delete the following boxed text "2017-2018 and".

On page 3218 delete the following boxed text "noninstructional program fees,".

Community Colleges Tuition Increase

This provision would allow an increase of up to \$10 per credit hour for undergraduate instructional and general fees for community, state community, and technical colleges, while also exempting noninstructional program fees from the legislation's two year freeze on undergraduate instructional, general, and all other fees for state universities or colleges. The provision's allowable fee increase for community, state community, and technical colleges' tuition could result in the annual education costs for these schools' students rising up to 7.5 percent, and up to 15 percent over two years. Because legitimate circumstances may occur in which some cost increases do need to be managed, this veto would only prohibit credit hour and fee increases for the 2017-2018 academic year, while maintaining these colleges' authority for the 2018-2019 academic year. Additionally, the exemption of noninstructional program fees from the bill's two year freeze on state colleges and universities instructional, general, and all other fees would create a mechanism for these schools to undermine the purpose of this provision's freeze. The Administration and General Assembly have gone to great lengths to help Ohio's public colleges and universities implement innovative strategies to control their costs, and continuing these efforts is essential to maintaining access to college. Limiting the ability of state institutions of higher education to increase costs best aligns with Ohio's ongoing efforts to increase access to higher education, improve career opportunities for Ohioans, and make Ohio's workforce more desirable to job creators around the world. Therefore, this veto is in the public interest.

ITEM NUMBER 20

On page 13 delete the following boxed text "; and to repeal".

On page 13 delete the following boxed text "section 5101.621".

On page 2897 delete the following boxed text ", local law".

On page 2897 delete the following boxed text "enforcement agencies, and county prosecutors".

On page 2897 delete the following boxed text ", local law enforcement agencies, and county prosecutors".

On page 2897 delete the following boxed text ", local law enforcement agencies,".

On page 2897 delete the following boxed text "and county prosecutors".

On page 2921 delete the following boxed text "and section 5101.621".

Adult Protective Services

This provision would make law enforcement and county prosecutors eligible to receive reimbursement for activities related to adult protective services ("APS"). Law enforcement entities and county prosecutors are not under the purview of ODJFS and therefore the ability of ODJFS to effectively hold them accountable for the rules required under this section is uncertain. Use of APS funds to reimburse law enforcement and county prosecutors would reduce available allocations to county JFS departments and create financial burdens for APS agencies. In addition, this provision eliminates the requirement to document working procedures to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults and limit local community's ability to provide necessary and coordinated services to vulnerable and at-risk adults. Therefore, this veto is in the public interest.

ITEM NUMBER 21

On page 1 delete the following boxed text "103.45,".
On page 8 delete the following boxed text "3301.65,".
On page 15 delete the following boxed text "103.45,".
On page 19 delete the following boxed text "3301.65,".
On page 49 delete the boxed text beginning with "Sec. 103.45. (A) The joint education oversight committee..." and ending at the bottom of the page.
On page 50 delete the boxed text beginning at the top of the page and ending with "...accommodate the availability of data and resources."
On page 776 delete the boxed text beginning with "Sec. 3301.65. (A) The department of education..." and ending with "...previous school year."
On page 2435 delete the following boxed text "103.45,".

Joint Education Oversight Committee Authority Over Ohio Department of Education Audit Standards

This provision would give the Joint Education Oversight Committee (JEOC) certain authority over the Department of Education, specifically by giving the Committee a functional "veto" over the Department's administration of full-time-equivalent student population audits and reviews. As such, this provision extends the JEOC's authority in unprecedented ways beyond the boundaries of its jurisdiction and branch of government. Therefore, this veto is in the public interest.

ITEM NUMBER 22

On page 1340 delete the following boxed text "These rules may not permit a lottery sales agent to accept a credit card for the purchase of a lottery ticket, except for a video lottery terminal as provided in rule 3770:2-7-01 of the Administrative Code."

Prohibition on the Use of Credit Cards to Purchase Lottery Products

This provision would prohibit Ohioans from using credit cards or similar payment arrangements to purchase Ohio Lottery games. By closing out a payment choice available to Ohio Lottery customers since the program's inception in 1974, this provision imposes on the Lottery Commission's authority to allow its customers the freedom and flexibility to utilize the payment method of their choice. This prohibition has been estimated to decrease the Lottery Profit Education Fund proceeds by an at least \$10 million over the biennium and limits its flexibility to respond to customer preferences. Therefore, this veto is in the public interest.

ITEM NUMBER 23

On page 6 delete the following boxed text "5163.03,".
On page 18 delete the following boxed text "5163.03,".
On page 1929 delete the following boxed text "5163.03".
On page 1937 delete the boxed text beginning with "Sec. 5163.03. (A) Subject to..." and ending with "...date of this amendment."
On page 2438 delete the following boxed text "5163.03,".

Medicaid Coverage of Optional Eligibility Groups

This provision would prohibit the Department of Medicaid from covering any new, optional groups unless expressly permitted by statute. Because federal law requires there to be a single state agency charged with administering the Medicaid program in each state, this provision – by ceding a portion of the Director of Medicaid's authority to the Legislature – violates that federal requirement and imposes on the Director's executive authority to manage the state's Medicaid program. Therefore, this veto is in the public interest.

ITEM NUMBER 24

On page 6 delete the following boxed text "5164.57,".
On page 18 delete the following boxed text "5164.57,".
On page 1958 delete the boxed text beginning "Sec. 5164.57. (A)(1) Except as provided..." and ending at the bottom of the page.
On page 1959 delete the boxed text.

On page 1960 delete following boxed text "(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code."
On page 2438 delete the following boxed text "5164.57,".

Recovery of Medicaid Overpayments

This provision would reduce the time the Department of Medicaid has to issue overpayment notices to nursing facilities and ICF/IDD providers from five to three years. Because providers have 30 months to submit and correct claims before the Department can review them and determine if an overpayment was made, this item significantly impacts the Department's ability to recover overpayments and increases the risk that public funds could be unjustifiably received. Ensuring the ability of the Department to recover overpayments is necessary to maintain fiscal and programmatic integrity, as well as to effectively and efficiently manage the Ohio Medicaid program. Therefore, the veto of this item is in the public interest.

ITEM NUMBER 25

On page 8 delete the following boxed text "103.417,".
On page 9 delete the following boxed text "5164.021,".
On page 9 delete the following boxed text "5164.69,".
On page 19 delete the following boxed text "103.417,".
On page 19 delete the following boxed text "5164.021,".
On page 19 delete the following boxed text "5164.69,".
On page 44 delete the following boxed text "~~103.415~~ 103.417".
On page 47 delete the boxed text beginning with "Sec. 103.417. Before the department..." and ending with "...implementation of the proposal."
On page 1929 delete the boxed text beginning with "When the director of another..." and ending at the bottom of the page.
On page 1930 delete the boxed text beginning at the top of the page and ending with "...were the medicaid director."
On page 1939 delete the following boxed text "The Subject to section 5164.021 of the Revised Code, the".
On page 1940 delete the boxed text beginning with "Sec. 5164.021. For purposes..." and ending with "...actual amount of the rate increase."
On page 1960 delete the boxed text beginning with "Sec. 5146.69. (A) Neither the department..." and ending with "amount of the rate increase."

Legislative Oversight of Rules Increasing Medicaid Rates

This provision would require the Department of Medicaid to submit any proposal for an increase in a Medicaid payment rate to the Joint Medicaid Oversight Committee (JMOC) and prohibits the Department from making an increase if it fails to make the required submission, if JMOC votes to prohibit the rate increase, or if the General Assembly adopts a concurrent resolution to prohibit it. This obstructs the Medicaid director's executive authority to effectively and

efficiently manage Ohio's Medicaid program and to maintain the fiscal and programmatic integrity the Administration has established for that program. Furthermore, this language fundamentally changes the nature of JMOC and its relationship to the Department of Medicaid while negatively impacting the Department's efforts to implement key policy initiatives. Therefore, this veto is in the public interest.

ITEM NUMBER 26

On page 9 delete the following boxed text "5164.78,".
On page 19 delete the following boxed text "5164.78,".
On page 1961 delete the boxed text beginning "Sec. 5164.78. (A) The medicaid payment rates..." and ending at the bottom of the page
On page 1962 delete the boxed text beginning at the top of the page and ending with "...payment rate is determined in accordance with state statutes."

Medicaid Rates for Neonatal and Newborn Services

This provision would require that the Department of Medicaid set rates for certain neonatal and newborn services at levels equal to 75 percent of the Medicare rates for those services, and forces the Medicaid director to reduce the rates for other services to avoid an increase in Medicaid expenditures. This provision threatens access to services for some of the most vulnerable Ohioans and limits the ability of the director to effectively and efficiently manage the Medicaid program. Therefore, the veto of this item is in the public interest.

ITEM NUMBER 27

On page 6 delete the following boxed text, "5165.01, 5165.106,".
On page 6 delete the following boxed text, "5165.15, 5165.151, 5165.153, 5165.154,"
On page 6 delete the following boxed text, "5165.16, 5165.17, 5165.19, 5165.192, 5165.21,".
On page 6 delete the following boxed text, "5165.23, 5165.25, 5165.34, 5165.37, 5165.41, 5165.42,".
On page 7 delete the following boxed text, "5165.52,".
On page 9 delete the following boxed text, "5165.36, 5165.361,".
On page 18 delete the following boxed text, "5165.01, 5165.106,".
On page 18 delete the following boxed text, "5165.15, 5165.151, 5165.153, 5165.154,".
On page 18 delete the following boxed text, "5165.16,".
On page 18 delete the following boxed text, "5165.17, 5165.19, 5165.192, 5165.21, 5165.23, 5165.25, 5165.34, 5165.37,".
On page 18 delete the following boxed text, "5165.41, 5165.42, 5165.52".
On page 19 delete the following boxed text, "5165.36, 5165.361".
On page 1962 delete the boxed text beginning with "Sec. 5165.01. As used in this chapter..." and ending at the bottom of the page.

On page 1963 delete the boxed text.
On page 1964 delete the boxed text.
On page 1965 delete the boxed text.
On page 1966 delete the boxed text.
On page 1967 delete the boxed text.
On page 1968 delete the boxed text.
On page 1969 delete the boxed text.
On page 1970 delete the boxed text.
On page 1971 delete the boxed text.
On page 1972 delete the boxed text beginning at the top of the page and ending with "...bureau of labor statistics."
On page 1973 delete the boxed text beginning with "Sec. 5165.15. Except as otherwise..." and ending at the bottom of the page.
On page 1974 delete the boxed text.
On page 1975 delete the boxed text.
On page 1976 delete the boxed text.
On page 1977 delete the boxed text.
On page 1978 delete the boxed text beginning at the top of the page and ending with "...granting the authorization."
On page 1979 delete the boxed text beginning with "Sec. 5165.16 (A)" As used..." and ending at the bottom of the page.
On page 1980 delete the boxed text.
On page 1981 delete the boxed text.
On page 1982 delete the boxed text.
On page 1983 delete the boxed text.
On page 1984 delete the boxed text.
On page 1985 delete the boxed text.
On page 1986 delete the boxed text.
On page 1987 delete the boxed text.
On page 1988 delete the boxed text.
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On page 1994 delete the boxed text.
On page 1995 delete the boxed text.
On page 1996 delete the boxed text.
On page 1997 delete the boxed text.
On page 1998 delete the boxed text.
On page 1999 delete the boxed text.
On page 2000 delete the boxed text.
On page 2001 delete the boxed text.
On page 2002 delete the boxed text beginning at the top of the page and ending with "...basis for the estimate."
On page 2438 delete the following boxed text "5165.01, 5165.106,".

On page 2438 delete the following boxed text "5165.15, 5165.151, 5165.153, 5165.154,".
 On page 2438 delete the following boxed text "5165.16,".
 On page 2438 delete the following boxed text "5165.17, 5165.19, 5165.192, 5165.21, 5165.23, 5165.25, 5165.34, 5165.37,".
 On page 2438 delete the following boxed text "5165.41, 5165.42, 5165.52".
 On page 3150 delete the boxed text beginning with "(A) As used in this section..." and ending with "...of the Revised Code. (B)".
 On page 3151 delete the boxed text beginning with "(C)(1) The Department..." and ending with "...before it is to take effect."
 On page 3382 delete the following boxed text "Section 5165.01 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly."

Medicaid Rates for Nursing Facilities

This provision would make numerous changes in the formula used to determine Medicaid payment rates for nursing facility services, including eliminating portions of the reimbursement formula that are focused on quality and accountability measures. This provision imposes on the Medicaid director's executive authority to effectively and efficiently manage Ohio's Medicaid program and to maintain the fiscal and programmatic integrity the Administration has established for that program by restricting the Director's ability to establish rates that best ensure the quality and efficiency of Medicaid nursing facility programs. Therefore, this veto is in the public interest.

ITEM NUMBER 28

On page 9 delete the following boxed text "5163.15,".
 On page 19 delete the following boxed text "5163.15,".
 On page 1936 delete the boxed text beginning with "Federal medical assistance..." and ending with "42 U.S.C. 1396d(y)."
 On page 1937 delete the boxed text beginning with "Sec. 5163.15 (A) Except as provided..." and ending at the bottom of the page.
 On page 1938 delete the following boxed text "group the medicaid program covers."
 On page 2008 delete the following boxed text ", subject to section 5163.15 of the Revised Code,".
 On page 2010 delete the following boxed text "On Subject to section 5163.15 of the Revised Code, on".
 On page 3158 delete the boxed text beginning with "Section 333.271. EXPANSION..." and ending with "section 5163.15 of the Revised Code."

Medicaid Eligibility Requirements for Expansion Group

This provision would require the director of the Department of Medicaid to seek a federal waiver to allow the department to prohibit virtually every Ohioan age 19 through 64 with an income at or below 138 percent of the federal poverty level who is not already enrolled in Medicaid, from

enrolling in the program after July 1, 2018. Starting in 2014, these Ohioans became eligible to receive health care coverage under the Medicaid expansion and, as a result, Ohioans in this population have reported improved access to care, decreased costly emergency room use, better overall health status and improved opportunities to seek and continue employment. Further, this provision is in violation of federal law, which prohibits states from denying coverage to members of an otherwise eligible group. This provision would eliminate any chance of these improvements continuing on a going forward basis—to the detriment of the state's economy in general and needy Ohioans in particular. Therefore, this veto is in the public interest.

ITEM NUMBER 29

On page 9 delete the following boxed text “5166.38,”.

On page 19 delete the following boxed text “5166.38,”.

On page 2008 delete the boxed text beginning with “Sec. 5166.38. As used in this section...” and ending at the bottom of the page.

On page 2009 delete the boxed text beginning at the top of the page and ending with “...continuum of care.”

Medicaid Waiver to Provide Services at Institutions for Mental Diseases

This provision would require the director of the Department of Medicaid to apply for an 1115 waiver from the federal Centers for Medicare and Medicaid Services to allow the Department to provide certain types of services at facilities that deliver mental health services, referred to as Institutions for Mental Disease (IMD). In addition to being duplicative of current efforts to serve this population beginning July 1, 2017, this provision mandates the Department of Medicaid to take actions not otherwise required by the federal government. Applying for an 1115 waiver at this time would significantly delay access to inpatient psychiatric services in an IMD. Therefore, this veto is in the public interest.

ITEM NUMBER 30

On page 7 delete the following boxed text “5167.01, 5167.03,”.

On page 8 delete the following boxed text “103.43,”.

On page 18 delete the following boxed text “5167.01, 5167.03,”.

On page 19 delete the following boxed text “103.43,”.

On page 47 delete the boxed text beginning with “Sec. 103.43. (A) A used...” and ending at the bottom of the page.

On page 48 delete the boxed text.

On page 49 delete the boxed text beginning at the top of the page and ending with “...oversight committee.”

On page 2011 delete the boxed text beginning with “Sec. 5167.01. As used...” and ending at the bottom of the page.

On page 2012 delete the boxed text beginning at the top of the page and ending with “...managed care organizations.”

On page 2438 delete the following boxed text “5167.01, 5167.03,”.

On page 3158 delete the boxed text beginning with “SECTION 333.283...” and ending at the bottom of the page.

On page 3159 delete the following boxed text “management system beyond the inclusion of those services that have been implemented under the Integrated Care Delivery System.”

Long-Term Services Added to Medicaid Managed Care

This provision would prohibit nursing facilities, as well as home and community-based waiver services, with limited exceptions, from being added to Medicaid managed care at any time prior to the General Assembly enacting legislation authorizing the addition. This provision also creates a temporary study committee to examine the merits of including these services in the managed care system. By unnecessarily delaying the Department of Medicaid's ability to move Ohioans receiving these services into managed care, this provision would unreasonably delay or even totally deny the benefits of care coordination to Medicaid recipients with the most complex needs, as well as deny Ohio taxpayers the benefit of the increased efficiency provided by managed care models of care delivery. Such models have already proven to improve value and quality for both Ohio taxpayers and the vulnerable Ohioans who depend on Medicaid. Therefore, this veto is in the public interest.

ITEM NUMBER 31

On page 2012 delete the following boxed text “Code”.

On page 2012 delete the following boxed text ~~“The department shall being to include the services in the system not later than January-Code. The services shall not be included in the system before July”.~~

Behavioral Health Redesign

This provision would require the Ohio Department of Medicaid to delay the addition of behavioral health services into managed care until July 1, 2018. The department's Behavioral Health Redesign is intended to provide high intensity services for those most in need and ensure for the first time that individuals' mental and physical health needs are managed together, and not with disregard to, one another. This coordination is necessary to get the right services at the right time to the Ohioans who need them most. The Administration, providers, Medicaid managed care plans and county boards have been working on the development of the behavioral health benefit package since early 2014. While the Administration supports a delay in coding changes to January 1, 2018, the care coordination delays mandated by this provision will impose

new costs on Ohio taxpayers and private sector providers who have invested in preparing for the anticipated effective date. More significantly, the delay will be detrimental to individuals who would benefit the most from receiving coordinated behavioral health services. Therefore, this veto is in the public interest.

ITEM NUMBER 32

On page 3145 delete the following boxed text “Notwithstanding section 5167.30 of Revised Code and for only fiscal year 2019, the sum of all withholdings from Medicaid managed care organizations’ premium payments under division (B) of that section shall be one per cent of the premium payments.”.

Managed Care Premium Payment Withholdings

This provision would limit to 1 percent the maximum amount that the Department of Medicaid can withhold from a managed care organization’s premium payments based on how well a managed care organization meets performance criteria. The executive version of the budget increased the maximum amount that may be withheld by the Department from 2 percent to 5 percent, in order to continue to drive better value for taxpayers and quality for vulnerable Ohioans who depend on Medicaid services. Decreasing the maximum allowable withholding undermines the pursuit of better value and quality and takes Ohio backward in these efforts. Therefore, this veto is in the public interest.

ITEM NUMBER 33

On page 9 delete the following boxed text “5168.761,”.

On page 19 delete the following boxed text “5168.761,”.

On page 2027 delete the boxed text beginning with “(L) “Permissive sales tax” means...” and ending with “...levying a permissive sales tax on July 1, 2017,”.

On page 2027 delete the following boxed text “Subject to section 5168.761 of the Revised Code,” in both instances it occurs.

On page 2028 delete the boxed text beginning with “Sec. 5168.761. Not later than October 1, 2017...” and ending with “...so increased effective July 1, 2024.”.

On page 2030 delete the following boxed text “Except as provided in division (C) of this section,”.

On page 2030 delete the boxed text, beginning with “(C) If the United States centers for medicare and medicaid services...” and ending with “...fiscal officer of each qualifying subdivision”.

Health Insuring Corporation Franchise Fee

This provision would require the Department of Medicaid to ask the United States Centers for Medicare and Medicaid services whether the franchise fee may be increased through the health

insuring corporation (HIC) franchise fee and, if the fee may be so increased, to request approval for the increase. The Department was approved for a HIC waiver after demonstrating compliance with federal requirements, including that the tax be broad based and not violate hold-harmless provisions. Requesting a change puts the approved waiver in jeopardy and risks the loss of the \$615 million net benefit currently permitted by the waiver. Further, the Executive budget already provided transition payments for counties as they adjust their budgets in preparation for the end of the existing tax. Therefore, this veto is in the public interest.

ITEM NUMBER 34

On page 3144 delete the boxed text beginning with "Upon Controlling Board authorization of expenditures under division (B) of the section of this act titled "HEALTH AND HUMAN SERVICES FUND CONTINUED" during fiscal year 2018..." and ending with "...Human Services Fund."

On page 3144 delete the boxed text beginning with "Upon Controlling Board authorization of expenditures under division (B) of the section of this act titled "HEALTH AND HUMAN SERVICES FUND CONTINUED" during fiscal year 2019..." and ending with "...Human Services Fund."

On page 3145 delete the boxed text beginning with "(B) the Medicaid Director..." and ending with "...1396a(a)(10)(A)(i)(VIII)."

Controlling Board Authorization Regarding Medicaid Expenditures

This provision requires the director of Budget and Management to transfer monies from the General Revenue Fund to the Health and Human Services Fund and requires the Medicaid director to request the Controlling Board to authorize expenditures from the Health and Human Services fund for purposes of paying for the Medicaid program. While the Administration does not oppose this requirement, the provision also restricts the Controlling Board from releasing funds if the United States Congress amends the federal law governing the federal medical assistance percentage in a manner that reduces the percentage, even if that reduction has no impact in the current biennium. This limits the ability of the Medicaid director to effectively and efficiently manage the Medicaid program and obstructs the Administration's authority to maintain the fiscal stability and programmatic integrity that it has successfully established for the program. Therefore, the veto of this item is in the public interest.

ITEM NUMBER 35

On page 3154 delete the boxed text beginning with "SECTION 333.240. PAYMENT RATES FOR HOSPITAL SERVICES..." and ending in "by the Department of Medicaid on July 1, 2017."

Medicaid Payment for Hospital Service

This provision would set the Medicaid payment rate for a hospital service provided from July 1, 2017 through June 30, 2019 at a level equal to that paid for the same service on July 1, 2017, except for any change resulting from a rebasing or recalibration of rates on January 1, 2017. This provision also requires the Ohio Department of Medicaid to reduce payment rates for hospital services if the total amount paid would exceed FY2017 funding levels. This limits the ability of the Medicaid director to effectively and efficiently manage the Medicaid program and obstructs the Administration's authority to maintain the fiscal stability and programmatic integrity it has successfully established for the Medicaid program. Therefore, this veto is in the public interest.

ITEM NUMBER 36

On page 3158 delete the boxed text beginning with "SECTION 333.273. HEALTHY OHIO PROGRAM WAIVER SUBMISSION..." and ending with "...5166.403 of the Revised Code."

Waiver Regarding Healthy Ohio Program

This provision mandates that the Department of Medicaid request the same waiver to implement the Healthy Ohio program which was previously denied by the Centers for Medicare and Medicaid Services. The Administration shares the goal of expanding Ohio's flexibility in managing our Medicaid programs, and is committed to working with the General Assembly to seek achievable solutions that would accomplish this goal. Requiring Medicaid to seek an identical waiver for the Healthy Ohio program would be duplicative and an ill-advised use of Medicaid resources. Therefore, this veto is in the public interest.

ITEM NUMBER 37

On page 1 delete the following boxed text "1509.71,".

On page 16 delete the following boxed text "1509.71,".

On page 506 delete the boxed text beginning with "Sec. 1509.71. (A) It is the policy of the state..." and ending at the bottom of the page.

On page 507 delete the boxed text beginning at the top of the page and ending with "...required by the commission in the performance of its duties."
On page 2435 delete the following boxed text "1509.71,".

Oil and Gas Leasing Commission Appointments

This provision would transfer appointment authority for members of the Ohio Oil and Gas Leasing Commission from the governor to the General Assembly. This creates the potential for conflicts in how public lands under the jurisdiction of executive branch agencies are utilized. No provision is made for how those conflicts would be resolved or how utilization policies would be harmonized, which could potentially lead to harm to Ohio's public lands. Therefore, this veto is in the public interest.

ITEM NUMBER 38

On page 7 delete the following boxed text "5713.051,".
On page 18 delete the following boxed text "5713.051,".
On page 2137 delete the boxed text beginning with "Sec. 5713.051. (A) As used ..." and ending at the bottom of the page.
On page 2138 delete the boxed text.
On page 2139 delete the boxed text.
On page 2140 delete the boxed text.
On page 2141 delete the boxed text beginning at the top of the page and ending with "... for property tax purposes."
On page 2438 delete the following boxed text "5713.051,".
On page 3366 delete the boxed text beginning with "SECTION 757.50 (A) The amendment ..." and ending with "... or charged taxes relate.".

Property Tax Valuation of Oil and Gas Reserves

This provision would specify the only method that county auditors can use for determining the value of sales and leases when assessing a value for tax purposes of sub-surface minerals prior to their production. Other assessment models exist, and it is inappropriate to limit the flexibility of county auditors. Furthermore, the fiscal impact of this provision cannot be projected at this time therefore its effects on government services cannot be known. Therefore, this veto is in the public interest.

ITEM NUMBER 39

On page 1810 delete the boxed text beginning with “~~throughout the carrier’s traditional...~~” and ending with “...requirements of federal law”.

Modification of Lifeline Telephone Service

This provision would allow incumbent local exchange carriers to abandon the Lifeline program through which eligible low-income telephone customers gain access to basic telephone service. It is important that these populations not be put at risk of losing service, especially in regions of the state where few, if any, alternative phone providers exist. Therefore, this veto is in the public interest.

ITEM NUMBER 40

On page 1 delete the following boxed text “117.46.”.
On page 8 delete the following boxed text “101.88, 101.881, 101.882, 101.89.”.
On page 15 delete the following boxed text “117.46.”.
On page 19 delete the following boxed text “101.88, 101.881, 101.882, 101.89.”.
On page 22 delete the boxed text beginning with “Sec. 101.88. (A) The departments...” and ending at the bottom of the page.
On page 23 delete the boxed text.
On page 24 delete the boxed text.
On page 25 delete the boxed text.
On page 26 delete the boxed text.
On page 27 delete the boxed text.
On page 28 delete the boxed text beginning at the top of the page and ending with “web site of the general assembly.”
On page 96 delete the boxed text beginning with “Sec. 117.46. Each...” and ending at the bottom of the page.
On page 97 delete the boxed text beginning at the top of the page and ending with “...3345.011 of the Revised Code.”
On page 2435 delete the following boxed text “117.46.”.

General Assembly Review of Cabinet Departments

Under the Ohio Constitution, no state agency can be funded for a period of longer than two years. Following the submission of the Governor’s biennial budget at the beginning of this year, the General Assembly has been reviewing, analyzing, and debating whether and at what levels to fund every state agency. Included within these debates has been the authority to recommend that one or more state agencies be eliminated altogether. This provision would create a second, duplicative process to this Constitutionally-mandated review and require half of the Executive

Branch agencies to appear before the General Assembly every two years to conduct essentially the same review that was conducted during the budget process. This costly and burdensome mechanism would be a waste of both Executive and Legislative Branch resources. Therefore, this veto is in the public interest.

ITEM NUMBER 41

On page 4 delete the following boxed text "4505.06,".
On page 7 delete the following boxed text "5739.029,".
On page 7 delete the following boxed text "5739.12, 5739.122, 5739.13,".
On page 7 delete the following boxed text "5739.17,".
On page 7 delete the following boxed text "5741.12,".
On page 17 delete the following boxed text "4505.06,".
On page 19 delete the following boxed text "5739.029,".
On page 19 delete the following boxed text "5739.12, 5739.122, 5739.13,".
On page 19 delete the following boxed text "5739.17,".
On page 19 delete the following boxed text "5741.12,".
On page 1457 delete the boxed text beginning with "Sec. 4505.06. (A)(1) Application..." and ending at the bottom of the page.
On page 1458 delete the boxed text.
On page 1459 delete the boxed text.
On page 1460 delete the boxed text.
On page 1461 delete the boxed text.
On page 1462 delete the boxed text.
On page 1463 delete the boxed text.
On page 1464 delete the boxed text.
On page 1465 delete the boxed text.
On page 1466 delete the boxed text.
On page 1467 delete the boxed text beginning at the top of the page and ending with "... accomplished by electronic means."
On page 2068 delete the boxed text beginning with "(19) Disclosing to the department ..." and ending with "... taxation under that division."
On page 2258 delete the boxed text beginning with "Sec. 5739.029. (A) Notwithstanding ..." and ending at the bottom of the page.
On page 2259 delete the boxed text.
On page 2260 delete the boxed text beginning at the top of the page and ending with "... any province of Canada."
On page 2289 delete the boxed text beginning with "Sec. 5739.12. (A)(1) Each ..." and ending at the bottom of the page.
On page 2290 delete the boxed text.
On page 2291 delete the boxed text.
On page 2292 delete the boxed text.
On page 2293 delete the boxed text.
On page 2294 delete the boxed text.

On page 2295 delete the boxed text.
 On page 2296 delete the boxed text.
 On page 2297 delete the boxed text beginning at the top of the page and ending with "... 5739.31 of the Revised Code."
 On page 2297 delete the boxed text beginning with "Sec. 5739.17. (A) No person ..." and ending at the bottom of the page.
 On page 2298 delete the boxed text.
 On page 2299 delete the boxed text.
 On page 2300 delete the boxed text beginning at the top of the page and ending with "... imposed by this chapter."
 On page 2310 delete the boxed text beginning with "Sec. 5741.12. (A) Each seller ..." and ending at the bottom of the page.
 On page 2311 delete the boxed text beginning at the top of the page and ending with "... for certificate of title."
 On page 2437 delete the following boxed text "4505.06,".
 On page 2438 delete the following boxed text "5739.029,".
 On page 2438 delete the following boxed text "5739.12, 5739.122, 5739.13,".
 On page 2438 delete the following boxed text "5739.17,".
 On page 2438 delete the following boxed text "5741.12,".
 On page 3238 delete the boxed text for line item Poundage Fee Compensation Fund.
 On page 3245 delete the boxed text beginning with "POUNDAGE FEE COMPENSATION FUND ..." and ending with "... amounts are hereby appropriated."

Sales Tax Remittance by Motor Vehicle Dealers

This provision would allow Ohio motor vehicle dealers to remit sales and use taxes on vehicle sales directly to the state on a monthly basis, rather than to a clerk of court when a vehicle is titled. This change would result in the state losing an estimated \$18.8 million of revenue in fiscal year 2019. Further, the provision would require the state to pay clerks of court the administrative fees they would have received for collecting sales tax on a vehicle on behalf of the state, despite the fact that they did not actually collect that tax for the state. It is inappropriate for Ohio taxpayers to pay local clerks of court for work they did not do. Therefore, this veto is in the public interest.

ITEM NUMBER 42

On page 145 delete the following boxed text "~~division(LLL) of~~".
 On page 2185 delete the following boxed text "electronic publishing services," in all three instances it occurs.
 On page 2185 delete the boxed text beginning with "~~rather than...~~", and ending with "...consumer of".
 On page 2185 delete the boxed text beginning with "~~are incidental...~~", and ending with "...service or services".

On page 2185 delete the boxed text beginning with “~~such transactions...~~”, and ending with “...electronic information services”.

On page 2186 delete the boxed text beginning with “~~(u) Electronic publishing...~~” and ending with “...~~are not sales.~~”.

On page 2196 delete the boxed text “as defined in division ~~(LLL)~~ of this section”.

On page 2196 delete the boxed text beginning with ““Electronic publishing” and “electronic publishing services” means...” and ending with “...~~(e)~~”.

On page 2196 delete the following boxed text “electronic”.

On page 2196 delete the following boxed text “~~divisions (B)(3)(e) division~~”.

On page 2196 delete the following boxed text “electronic publishing services,”.

On page 2197 delete the following boxed text “~~or~~”.

On page 2197 delete the following boxed text “,electronic publishing services, or electronic information services”.

On page 2208 delete the boxed text beginning with ““~~Electronic publishing~~” means...” and ending with “...~~(MMM)~~”.

On page 2208 delete the following boxed text “~~(NNN)(MMM)~~”.

On page 2208 delete the following boxed text “~~(OOO)(NNN)~~”.

On page 2208 delete the following boxed text “~~(PPP)(OOO)~~”.

On page 2208 delete the following boxed text “~~(QQQ)(PPP)~~”.

On page 2209 delete the following boxed text “~~(QQQ)(PPP)~~”.

On page 2209 delete the following boxed text “~~(RRR)(QQQ)~~”.

On page 3374 delete the boxed text beginning with “Section 803.260. ...” and ending at the bottom of the page.

On page 3375 delete the boxed text beginning at the top of the page and ending with “...section by Sub. H.B. 157 of the 127th General Assembly.”.

Sales Tax on Electronic Services

This provision would create a new exemption from the state sales tax by specifying that sales of automatic data processing, computer services, electronic information services and electronic publishing are not considered the true object of a sales transaction and therefore not subject to the sales tax when they are provided primarily for the delivery, receipt or use of another non-taxable service. The amount of this exemption is significantly increased by making it retroactive to 2007. The total potential revenue loss to the state is estimated at up to \$115 million in FY 2018 and \$121 million in FY 2017. Additionally, because the exemption is retroactive to 2007, state revenue loss due to refunds (excluding interest) is estimated to be at least \$246.5 million. The concept of a mixed transaction (taxable and non-taxable activities occurring simultaneously) is not unique to electronic services. Currently, a taxpayer may separate at the point of purchase these transactions and apply the sales tax appropriately. Therefore, this veto is in the public interest.

ITEM NUMBER 43

On page 2190 delete the following boxed text "and".
On page 2190 delete the following boxed text ",".
On page 2190 delete the following boxed text "and (5)".
On page 2193 delete the boxed text beginning at the top of the page and ending with "...licensed by any state, country, or province."
On page 3374 delete the following boxed text "except for divisions (C) and (H) of section 5739.01 of the Revised Code,".

Sales Tax Exemption for Prescription Optical Aids

This provision would exempt prescription optical aids (e.g., eyeglasses and contact lenses) and their components up to \$650 in value from the sales and use tax. This language is not compliant with the Streamlined Sales and Use Tax Agreement and therefore jeopardizes the sales tax revenue (which came to \$43.8 million in 2013) the state receives from its membership in that agreement. Therefore, this veto is in the public interest.

ITEM NUMBER 44

On page 7 delete the following boxed text "5725.98, 5726.98,".
On page 7 delete the following boxed text "5729.98,".
On page 8 delete the following boxed text "122.15, 122.151, 122.152, 122.153, 122.154, 122.155, 122.156,".
On page 18 delete the following boxed text "5725.98, 5726.98,".
On page 19 delete the following boxed text "5729.98,".
On page 113 delete the boxed text beginning with "Sec.122.15. As used..." and ending at the bottom of the page.
On page 114 delete the boxed text.
On page 115 delete the boxed text.
On page 116 delete the boxed text.
On page 117 delete the boxed text.
On page 118 delete the boxed text.
On page 119 delete the boxed text.
On page 120 delete the boxed text.
On page 121 delete the boxed text.
On page 122 delete the boxed text.
On page 123 delete the boxed text.
On page 124 delete the boxed text.
On page 125 delete the boxed text.
On page 126 delete the following boxed text "company would be beneficial to the economic growth of the state."

On page 2159 delete the boxed text beginning with "Sec. 5725.98 (A) To provide..." and ending at the bottom of the page.

On page 2160 delete the boxed text.

On page 2179 delete the boxed text beginning with "Sec. 5729.98. (A) To provide..." and ending at the bottom of the page.

On page 2180 delete the boxed text beginning with "offsets against tax liability..." and ending with "...a taxable year."

On page 2438 delete the following boxed text "5725.98, 5726.98,".

On page 2438 delete the following boxed text "5729.98,".

Rural and High-Growth Industry Jobs Program

This provision would authorize a nonrefundable tax credit for insurance companies and financial institutions that invest in special purpose "rural and high-growth industry funds." The Administration agrees with the intent of this provision and recognizes the importance of encouraging investments that drive job creation and retention in rural areas. Accordingly, the Administration is committed to working with leadership in the Ohio Senate to address this issue through separate legislation. However, the provision as drafted only requires that 50 percent of the investment be made in rural areas, permitting half to go to suburban and urban areas. Further, the definition of rural as written is overly broad, permitting even more funds to perhaps be spent in non-rural areas. Therefore, this veto is in the public interest.

ITEM NUMBER 45

On page 9 delete the following boxed text "5501.91,".

On page 19 delete the following boxed text "5501.91,".

On page 2031 delete the boxed text beginning with "Sec. 5501.91. (A) As used in this section..." and ending at the bottom of the page.

On page 2032 delete the boxed text beginning at the top of the page and ending with "corporation or port authority,".

On page 3254 delete the boxed text for the line item 776670 Ohio Maritime Assistance Program

On page 3255 delete the boxed text beginning with "SECTION 411.30. OHIO MARITIME ASSISTANCE PROGRAM..." and ending with "allocated to it as permitted by law."

Ohio Maritime Assistance Program

This provision would require the Ohio Department of Transportation to create a special program to support the state's maritime assets and earmarks \$4 million for these efforts. Currently ODOT is conducting a statewide assessment of Ohio's maritime assets to determine how they are being used and to what degree, and how highway access can be improved to ports in pursuit of optimal job creation. This comprehensive statewide assessment will be completed by the end of the calendar year, therefore it is premature to begin funding maritime projects without the advantage of this study's data. Therefore, this veto is in the public interest.

ITEM NUMBER 46

On page 7 delete the following boxed text "5902.09,".

On page 19 delete the following boxed text "5902.09,".

On page 2372 delete the boxed text beginning with "Sec. 5902.09. The department ..." and ending with "... activity specifically for veterans.".

On page 2423 delete the boxed text beginning with "(3) The OhioMeansJobs web site ..." and ending with "... maintained under that section.".

Veterans Job Placement Website

This well-intended provision would require the Ohio Department of Veterans Services to create a new website for delineating job placement, tracking and reporting for veterans seeking employment. This is an important and worthwhile effort to which the state is also committed. Federal law currently requires Ohio to perform these functions, which it does through the Ohio Department of Job and Family Services. To achieve this provision's intent, DVS and JFS will work with veterans advocacy organizations and the Speaker of the House Clifford A. Rosenberger to further strengthen Ohio's existing effort. Therefore, this veto is in the public interest.

ITEM NUMBER 47

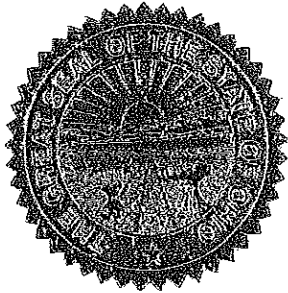
On page 2426 delete the boxed text beginning with "(D)(1) The requirement in division ..." and ending at the bottom of the page.

On page 2427 delete the boxed text.

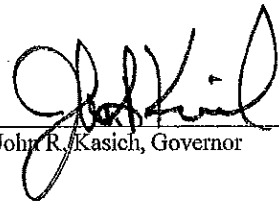
On page 2428 delete the boxed text beginning at the top of the page and ending with "... meeting by teleconference.".

Local Workforce Development Board Meetings by Teleconference

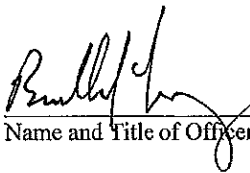
Ensuring that Ohioans have the skills and training needed to fill the available jobs at Ohio employers is one of the most critical issues facing our state. Local workforce boards are designed to help guide this work and ensure efforts are focused on meeting local needs and priorities. This provision does not set a minimum number of members that are required to meet and conduct business in a public location, allowing that number to be set locally. This could lead to situations where all members are participating remotely. This issue is too important to the economic success of Ohio to not ask board members to commute a short distance and participate in board meetings in person. Additionally, creating this ability for one entity, while maintaining the prohibition on teleconferences for others, furthers undesirable inconsistencies in policy. Therefore, this veto is in the public interest.



IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Ohio to be affixed at Columbus this 30th day of June, Two Thousand Seventeen.


John R. Kasich, Governor

This will acknowledge the receipt of a copy of this veto message of Amended Substitute House Bill 49 that was disapproved in part by Governor John R. Kasich on June 30, 2017.

 Clerk
Name and Title of Officer

June 30, 2017, 11:55 p.m.
Date and Time of Receipt



Amended Substitute House Bill 49

Ohio House Republican Talking Points

*A fiscally responsible, balanced budget that
prioritizes Ohio's greatest needs*





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"We appreciate a balanced budget that does not include any new tax increases."

Roger Geiger, National Federation of Independent Business, Ohio

"The final version of the state budget that is heading to Gov. Kasich's desk is one of the best budgets we have seen in a while in Ohio... there was solid spending restraint and efforts to contain Medicaid spending -- the 'Pac-Man' of Ohio's budget. These are all noteworthy accomplishments."

Greg Lawson, Buckeye Institute

"Tuition freeze benefits students and universities...the state-mandated cap has helped both students and universities and should continue for at least two more years...the tuition freeze is a good strategy worth continuing."

Toledo Blade Editorial

"Ohio's House did the right thing Thursday by overturning Gov. John Kasich's veto of a budget amendment written to protect the finances of counties and transit authorities, including the Greater Cleveland Regional Transit Authority. The state Senate would be wise to follow suit."

Cleveland Plain Dealer Editorial

"Ohio's farmers and rural communities will benefit from reforms to the state's farmland tax policy, culminating a three-year effort led by Ohio Farm Bureau. The reforms were included in the new state budget signed by Gov. John Kasich."

Ohio Farm Bureau

"Ohio's leaders understand that treatment works and people recover when they have access to the necessary treatment and recovery support services."

Cheri L. Walter, Ohio Association of County Behavioral Health Authorities

"The budget sends Ohio families a strong message that our elected leaders are committed to empowering parents to choose the learning environment where their children can reach their full potential. We applaud Governor Kasich and the Ohio legislature for their work, and we are grateful this budget recognizes the important role school choice is playing in the lives of thousands of Ohioans."

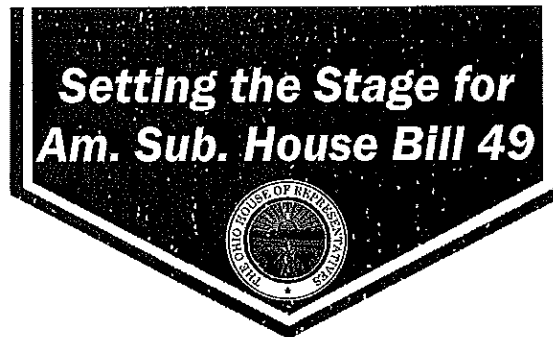
Kaleigh Lemaster, School Choice Ohio

"Pregnancy help centers are essential to building a culture of life here in Ohio because they offer women not only material assistance, but often emotional, medical, and educational support. By providing diapers, formula, cribs, parenting classes, prenatal care, counseling and mentorship, these centers are showing us what it means to care for the whole person and what it really means to be pro-life."

Ohio Right to Life

"For too long the cumbersome process of being required to file in multiple jurisdictions has burdened businesses across Ohio. We believe this proposal is the right step in our state's quest to create a streamlined tax code and spur a positive business climate for employers."

Gordon Gough, Ohio Council of Retail Merchants



No single piece of legislation reflects a caucus' priorities more than the state budget. Under Republican control over the past six years, Ohio has rebounded economically thanks in large part to the kinds of priorities that have been outlined in previous budgets:

- Over \$5 billion in tax relief for families and businesses
- Bolstering the rainy day fund to more than \$2 billion
- More funding for Ohio's schools

That is a far cry from the tax-and-spend largesse of the Democrats who once reigned over state government in Ohio:

- \$8 billion budget deficit
- Unemployment over 9 percent
- 350,000 jobs lost
- Less than a dollar in the rainy day fund

The result? Since 2011, Ohioans have created around 460,000 private-sector jobs and the state's unemployment rate has been cut almost in half.

Underlying any single, specific provision in any of the past three Republican-led budgets, however, is the unwavering commitment to fiscal responsibility. Ohio has the people, resources, talent and work ethic to succeed, innovate and move our state forward. It simply needs a government that is not overly burdensome, leads by example and lives within its means.

Am. Sub. House Bill 49 remains true to these tenets.

Facing challenges head-on

Over the past year, the amount of tax revenue flowing into the state has been consistently under what was estimated. This situation is not unique to Ohio. About two-thirds of states are facing similar circumstances, as national growth has been lagging for the past year-plus.

This is not a cause for panic, but it cannot be ignored either. As is reflected in Am. Sub. HB 49, House Republicans have addressed this issue head-on and have put forth a balanced budget bill that is *fiscally responsible and that prioritizes Ohio's greatest needs.*

With added focus on restraining spending and protecting essential services, HB 49 has taken significant steps toward addressing Ohio's revenue situation. Among them:

- Roughly 3 percent cuts across-the-board
- All-Funds budget is under inflation for the first time in several years
- House administrative budget cut by 6 percent
- Spending is about \$2.9 billion less than the executive proposal over the biennium



A fiscally responsible budget that prioritizes Ohio's greatest needs

Continuing the Commitment to Fiscal Responsibility

- Restrains All-Funds growth below inflation over the biennium
- Spends \$2.9 billion less than executive proposal over the biennium
- Reduces House administrative budget by 6 percent

Combating Ohio's Opioid Epidemic through Coordinated Care

- Invests \$180 million toward one of our state's most pressing issues
- Takes a multifaceted approach to help people overcome addiction
- Prioritizes prevention, treatment, mental health and workforce reintegration

Providing Valuable Resources for Ohio's Schools

- Ensures that a majority of schools do not lose state funding for FY '18 and FY '19
- Increases per-pupil funding and rewards high-performing educational service centers

Promoting a Competitive, Predictable and Simplified Tax Structure

- Reduces number of tax brackets from nine to seven
- Provides consistency in Ohio's tax structure by ensuring that taxes were not raised
- Modernizes Ohio's CAUV formula through minimal impact to schools and local governments

Expanding Options and Addressing Costs of Higher Education

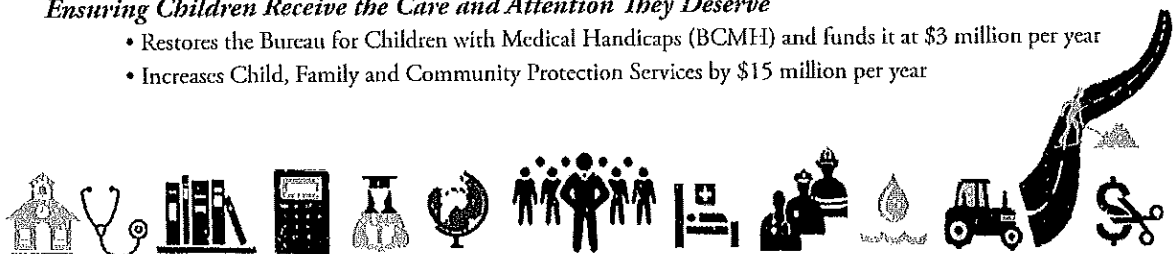
- Provides \$5 million for financial assistance to obtain short-term certificates
- Requires colleges and universities to study their textbook costs
- Includes innovative tuition controls to keep the cost of earning a college degree down

Strengthening Accountability and Transparency in Medicaid

- Emphasizes the importance of restoring oversight of Medicaid program to the General Assembly
- Places guardrails on future Medicaid growth to ensure its long-term solvency

Ensuring Children Receive the Care and Attention They Deserve

- Restores the Bureau for Children with Medical Handicaps (BCMHI) and funds it at \$3 million per year
- Increases Child, Family and Community Protection Services by \$15 million per year





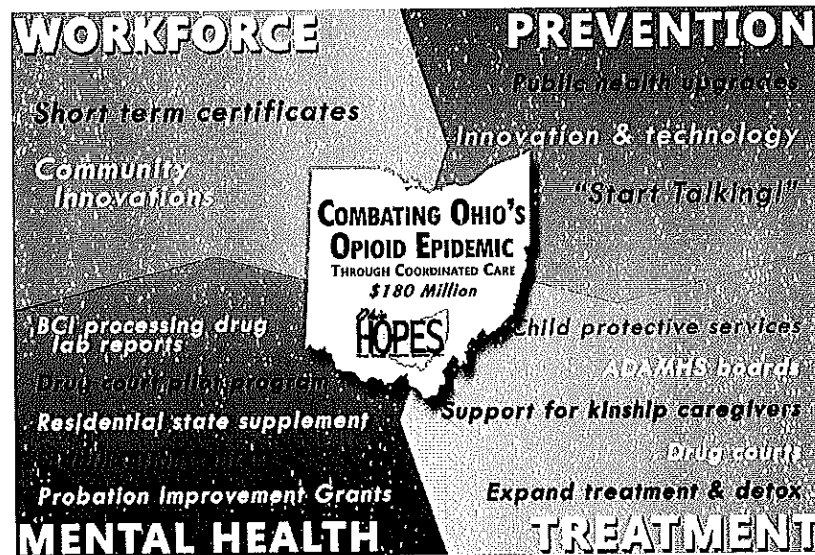
Ohio led the nation in opioid-related overdose deaths in 2015. Although death totals are still being calculated, casualties are expected to be 30 percent higher in 2016. Perhaps no other problem has touched the state so universally and indiscriminately than that of drug addiction, affecting rural, urban and suburban communities alike.

House Republicans remain committed to fighting this terrible scourge, and House Bill 49 takes a bold and aggressive approach to tackling the drug epidemic on multiple fronts.

HOPES (Heroin, Opioids, Prevention, Education and Safety) Agenda

As part of the Buckeye Pathway, the HOPES Agenda is strongly reflected in Am. Sub. HB 49:

HB 49 invests **\$180 million in new money** to fight drug addiction *through coordinated care*, focusing primarily on four key areas: ***Prevention, Treatment, Mental Health and Workforce***. (Note: The items below are not an exhaustive list, but reflect most of the major funding areas and programs. Unless otherwise denoted, all funding numbers below are over the biennium.)



Prevention

- ***Innovation and Technology:*** It is critically important to get the drug-free message out to people of all ages and backgrounds. The "All Roads Lead to Home" initiative includes developing a mobile app to provide resources and information regarding opioid addiction and treatment services, as well as PSAs, a website and a 24-hour hotline
- ***Public Health Upgrades:*** Invests \$8 million in the Ohio Department of Health devoted to improving public health programs and directs \$3.8 million for upgrading the OARRS pharmacy database
- ***"Start Talking!":*** Building off the governor's work on this issue, this is an important branding tool that people can recognize and helps them know where to reach out



Treatment

- ***Child Protective Services (\$30M)***: Having seen an increase of 1,400 new children under counties' care over the past six years, the budget invests funding to provide services for the children of opiate addicts
- ***Kinship Care (\$30M)***: The goal is to attract more kinship families, wherein the children's family members are able to take care of them, not only to ease the burden on the foster care system, but also to help families stay together
- ***Expand Treatment and Detox (\$32M)***: Because too many Ohioans lack access to treatment, this will greatly expand treatment options, as well as reduce waiting times by investing \$20 million in treatment and \$12 million in detox
- ***ADAMHS Boards (\$14M)***: In most counties, ADAMHS boards are on the front lines of this fight, and HB 49 bolsters them with additional resources, including \$75,000 going directly to each county
- ***Drug Courts (\$6M)***: Expands drug courts, which offer courts the discretion to individualize rehabilitation plans

Mental Health

- ***BCI Processing Drug and Forensic Lab Reports (\$4M)***: Drug labs have been overwhelmed; this investment will help them keep up with toxicology reports, etc.
- ***Stabilization Centers (\$3M)***: Ensures Ohioans have access to mental health crisis services
- ***Residential State Supplement (\$2M)***: Provides resources to individuals who have increased needs due to a disability and are living in licensed state facilities
- ***Drug Court Pilot Program (\$1M)***: Like ATP drug courts, this pilot program extends the same concept to mental health (Franklin and Warren)
- ***Probation Improvement and Incentive Grants (\$10M)***: Encourages counties to adopt evidence-based practices for reducing probation violators from going to prison

Workforce

- ***Short-term Certificates (\$5M)***: Once someone receives treatment, it is critical that they take the next step and return to the workforce; these certificates can help expedite that process so that individuals can return to being productive members of society and provide for their families
- ***Community Innovations (\$2 million)***: Reappropriates \$2 million to be used for workforce recruitment and retention, including supporting behavioral health centers in areas of independent licensure, tuition reimbursement and loan repayment

House Republicans know that the solution does not reside solely in government. This requires an all-hands-on-deck approach that many communities are already putting into action. Through the creative provisions in Am. Sub. HB 49, more tools and resources can be utilized at the local level so that people who are ready to seek help can immediately access services and guidance.





Another top priority is ensuring Ohio's schools have the resources they need to provide the kind of education that will produce young adults who are ready to tackle the issues of tomorrow. Furthermore, providing a strong educational base will better equip young people to provide for themselves and their families so that, for example, they do not give in to pressures like drug abuse, which has ravaged our state in recent years.

While House Republicans kept many of the provisions contained in the executive proposal, they did expand resources overall for primary and secondary education funding.

Providing more money to the classroom

- Increases per-pupil funding from \$6,000 to \$6,010
- Increases state foundation funding by \$154M in FY'18 and \$120M in FY'19

Rewarding strong performance

- Provides high-performing ESCs with \$26 per student; other ESCs with \$24 per student
- Re-appropriates millions for high-performing charter schools to address facility needs

Upholding local control

- Removes teacher externship requirement; **some school districts already administer teacher externships, but House Republicans did not believe there was a need to mandate them**
- Removes executive proposal measure to require three non-voting members of the business community to sit on school boards; **House Republicans agree it is important for students to be educated in a manner that reflects the real-world needs of the workforce, but it can be done through other ways**

Supporting career technical education

- Increases funding for Career Technical Education Enhancements by \$128,500 in FY'18
- Ensures that the OhioMeansJobs website will continue to provide individuals with the opportunity to seek out employment in Ohio
- Provides the Ohio ProStart school restaurant program with \$100,000

“House Republicans expanded resources overall for primary and secondary education funding.”



Preparing Students to Enter Ohio's Workforce

- Develops a Regional Workforce Collaboration Model to provide career services to students and requires Ohio to comply with the federal Workforce Innovation and Opportunity Act
- Creates a Workforce Supply Tool that provides information regarding in-demand jobs
- Promotes the use of public libraries as "continuous learning centers" to serve as hubs for information about local in-demand jobs and relevant education and job training resources
- Increases the OhioMeansJobs Revolving Loan Fund maximum award amount from \$100,000 to \$250,000 (per workforce program, per year)
- Establishes standards, accountability, and reporting requirements for Business Advisory Councils for school district boards of education

Summer Food Service Program

- Requires that if a school provides summer academic intervention services and opts out of offering summer food services in a school in which at least half of the students are eligible for free lunches, then the school must allow an approved summer food service program sponsor to use the school's facilities, ensuring that hungry students receive meals during the summer when school is not in session

Driver Education

- Directs that driver education courses include instruction on driving when impaired, the science of addiction and the effects of psychoactive substances while driving

Transportation Services

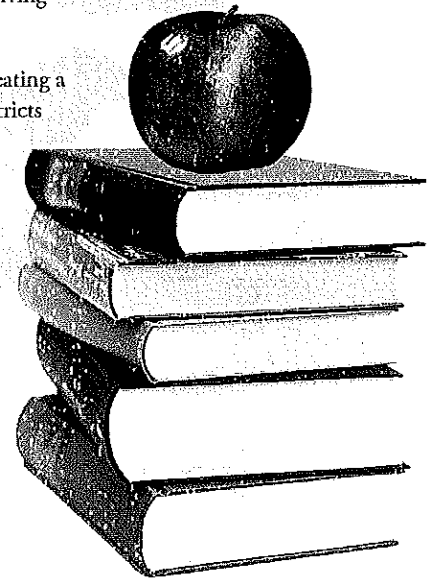
- Orders JEOC to develop legislative recommendations for creating a Joint Transportation Pilot Program in which at least two districts share transportation services

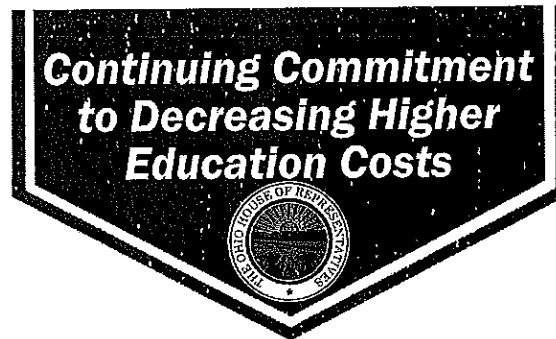
Study of Local Revenue Losses

- Requires the Ohio Department of Education to annually recommend to the General Assembly a structure to compensate schools experiencing at least a 50 percent decrease in public utility personal property valuation from one year to the next for a percentage of the effect that decrease has on the district's foundation aid payment

Reducing Testing

- Decreases the stress of over-testing by eliminating fourth and sixth grade state achievement tests for social studies





Am. Sub. House Bill 49 continues to prioritize making the attainment of a college degree more cost-effective through various reform efforts.

Tuition Controls that Help Ohio's Students

- Includes innovative tuition controls to keep the cost of earning a college degree down
- Continues the tuition freeze for undergraduates at universities and ensures that most fees are frozen, providing a more affordable college education for students
- \$5 million investment for short-term certificates for in-demand jobs
 - An effort to reach folks who need certification, but also helps them quickly get up and out so they are able to support themselves

Addresses the Cost of College Textbooks

- Requires colleges and universities to study their textbook costs annually and report these costs to the Chancellor
 - Requires colleges and universities to adopt a textbook selection policy for faculty to use when assigning textbooks
 - Works to lessen financial burden placed on college students

Helps Ohio's Various Community Colleges

- Allows them to offer an applied bachelor's degree if the degree is not offered by a public or private university within the state
- Provides flexibility by allowing a \$10 per credit increase in tuition for the 2018-2019 school year

Works to Improve the College Credit Plus Program

- Mandates that the Chancellor study outcomes of the CCP program

Provides for Additional Changes in an Effort to Limit Costs to the Student

- Requires the Chancellor to investigate fees charged by colleges and universities

Connecting Students with their Elected Officials

- \$5 million appropriated for The Ohio State University to facilitate the State of Ohio Leadership Institute (SOLI), which will provide instruction to state and local officials on various topics related to state government
- Gives students access to elected officials through the John Glenn College of Public Affairs



House Republicans believe in a tax code that allows people to keep more of their hard-earned money and attracts entrepreneurs to create businesses in our state, all while maintaining the resources necessary to fund essential services. Although under different economic circumstances than the previous three Republican-led budget bills, Am. Sub. House Bill 49 upholds those same principles.

Eliminating Tax-Shifting

- Am. Sub. HB 49 removes all executive tax proposals which balanced reductions in income tax with nearly equal combined increases in the sales, severance, tobacco and vapor, and commercial activity taxes
- After accounting for the revenue situation, House Republicans determined that keeping the current tax structure the same was the best path forward for Ohio's growth
- The business community expressed appreciation for the progress made in recent years and applauded the stability and predictability outlined in this budget

Simplifying the Tax Code

- Am. Sub. House Bill 49 reduces the number of tax brackets in Ohio from nine to seven
 - New lowest bracket begins at \$10,500 at \$77.96 + 1.98%
- Removes the executive provision requiring businesses to file income taxes through the state and pay a fee
 - Requires commissioner to distribute municipal income taxes monthly

Modernizing CAUV (Current Agricultural Use Value)

Ohio's agriculture community has been experiencing property values increasing by upwards of 300 percent in recent years, while farm income is at its second-lowest level since the 1920s. *Through various reforms to be phased in over a six-year period, House Republicans aim to offer property tax relief for farmers by reducing the taxable value of farmland.*

The way CAUV is currently calculated does not accurately reflect today's farm economy. HB 49 proposes using an equity rate that judges farm economy based on information disseminated from the USDA. This new formula will change the capitalization rate, lower property values and give farmers more dispensation upon a true value of agricultural use, *while having minimal impact on Ohio's schools and local governments.*

Job Creation Tax Credit

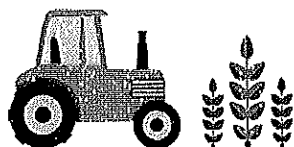
- Authorizes the job creation tax credit to count employees who work from home in the job creation totals

Back-to-School Sales Tax Holiday

- Provides for a continuation of Ohio's sales tax holiday during the first weekend of August in 2018, helping families save money during the busy "back-to-school" time

Motion Picture Tax Credit

- Requires a project to have 50% of its financing to be eligible for the Motion Picture Tax Credit; prioritizes television or miniseries projects
- This industry continues to be a boon to Ohio's economy, creating jobs and promoting workforce development





Making sure that Ohio's health care system is accessible and affordable is a priority for the caucus. Among the components necessary for establishing and maintaining top-notch health care in the state is to have in place strict guardrails that demand transparency and accountability. Through a series of provisions, Am. Sub. HB 49 continues this commitment to common-sense policy.

Strengthening Accountability in Medicaid

About 3 million Ohioans are covered by Medicaid, and since its inception, the program has become a larger portion of the state budget. *The caucus' goal is to find ways to ensure the program is effective for the people who need it, while also making it efficient and sustainable.*

Am. Sub. HB 49 takes a firm approach when it comes to increasing accountability measures for the Medicaid Group VIII population, remaining true to the goal of providing people the assistance they need while taking steps to help them live independent, productive lives.

The bill also places guardrails on future Medicaid Group VIII spending through the Controlling Board. HB 49 takes the state share funding portion and transfers it into the Health and Human Services Fund. Upon request from the Medicaid Director, the Controlling Board has the authority to release funds. *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*

Returning Medicaid Oversight to the General Assembly

- The Medicaid Group VIII requirements outlined in the House-passed budget are still in place
 - Am. Sub. HB 49 directs the Department of Medicaid to seek a federal waiver to require a Group VIII Medicaid recipient to be one of the following: at least 55, medically fragile, employed, in an education or workforce training program, or in a recovery program
- Prohibits the Department of Medicaid from increasing provider rates, rolling new populations into managed care, or expanding eligibility without approval from the Joint Medicaid Oversight Committee (JMOC)
 - *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*
- Prohibits nursing facilities and home- and community-based waiver services from being added to Medicaid managed care
 - *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*
- Requires a study committee to review and submit a report by Dec 31, 2018; does not apply to MyCare Ohio program

These reforms are intended to implement more comprehensive checks and balances within Ohio's Medicaid system. Establishing greater oversight will better equip the state for handling costs and enrollment in this important program.

For information about Medicaid eligibility requirements for expansion groups, see Veto Overrides on page 19.



Ensuring Children Receive the Care and Attention They Deserve

- Restores the Bureau for Children with Medical Handicaps (BCMh) program and funds it at \$3 million per year; BCMh links families of children with special healthcare needs, like cystic fibrosis, to healthcare providers and assists families with medical payments
- Provides the Adaptive Sports Program with \$50,000 per year
- Increases Child, Family and Community Protection Services by \$15 million per year

“In terms of compassion, I believe that you really want to help those who are, not only less fortunate, but who are innocent victims of disease that need a hand up so they can have the same opportunities as everyone else.”

Former NFL Quarterback Boomer Esiason on BCMh funding





House Republicans understand that criminal justice policies should be crafted based on keeping our streets safe, while providing avenues to rehabilitate offenders so they can return to being productive members of society. *Several provisions in Am. Sub. House Bill 49 move Ohio closer to accomplishing these goals.*

Ensuring Prison is Reserved for the Most Violent Offenders

- "Targeted Community Alternative to Prison" (TCAP): a pilot project in eight counties that is intended to treat low level offenders within the community by supplementing supervision resources to the local courts
 - Seeks to avoid lifetime consequences of incarcerating low-level non-violent offenders alongside the most violent offenders, while providing counties with resources they need to focus on rehabilitation and public safety
- Am. Sub. HB 49 expands TCAP by making it mandatory for the 10 largest counties and optional for every other county
- Under the program, a judge cannot send a person to prison for an f5 offense that is not a violent, sexual, or drug trafficking offense and the offender has not previously been convicted of felony offenses of violence or sex
- Participating counties will receive grants supporting programs that are alternative to incarceration

Focusing Probation on Rehabilitation

- While Ohio has one of the lowest recidivism rates, it has one of the highest probation violation rates
- Recognizing that there is a difference between probation violations that indicate the offender belongs in prison and violations that indicate the terms of probation are a barrier to rehabilitation, Am. Sub. HB 49 limits the amount of time a person on probation can be sent to prison for violating a term of probation that is not a prison eligible offense

Incentivizing Rehabilitation

- Allows for certain offenders to receive credit of 90 days or 10% of their sentence (whichever is less) if they complete any of the following while in prison:
 - Ohio High School diploma or equivalence certified by the state
 - Drug treatment program
 - College certification program
 - A certificate of achievement or employability
- Expands the availability and effectiveness of the Certificate of Qualification for Employment program so that persons with criminal records can obtain a certificate offering employers protections against negligent hiring liability, increasing the person's likelihood of employment

Directing Additional Resources to the Local Level

- Increases funding for Indigent Defense by \$7.1 million in FY'18 and \$7.9 million in FY'19
- Permits a sheriff to use commissary profits for technology to keep contraband out of jails





In an effort to streamline state government agencies and to eliminate further barriers to certification for various professions, House Republicans prioritized the consolidation of certain boards and commissions in the state operating budget.

- Optometry + Optical Dispensers Board = *Vision Professionals Board*
- Ohio Board of Speech-Language Pathology & Audiology + Hearing Aid Dealers & Fitters Licensing Board = *Hearing Professionals Board*
- Barber Board + Cosmetology Board = *The Cosmetology and Barber Board*
- Eliminates the requirement that individuals who practice orthotics, prosthetics or pedorthics be licensed and dissolves the board
- Abolishes the Constitutional Modernization Commission

Also part of Am. Sub. House Bill 49 are provisions aimed at protecting taxpayer dollars in relation to advertising campaigns

- The bill requires any advertising purchase by any official elected to statewide office or member of the General Assembly that is more than \$50,000 in public money to receive approval by the Controlling Board

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The caucus remains committed to protecting Ohio's rich natural resources while also nurturing our vital agricultural industry, which is an economic asset for the state.

- ***Helps residents in the Buckeye Lake area:*** Reduces the criterion for a Lakes in Economic Distress loan applicant from 40 percent loss to a 10 percent loss
- Continues the requirement that 14 percent of the Oil and Gas Fund be used to plug orphan wells
- Gives authority to the legislature for appointing members to the Oil & Gas Leasing Commission, rather than the governor (**as included in veto override vote, see page 19*)
- Requires the Chief of the Division of Mineral Resources Management to conduct a minimum of two safety inspections of a surface mining operation the year following an inspection by the US Department of Labor that found three or more violations per day
- Initiates the Ohio Soybean Marketing Program





In a tight budget cycle, House Republicans remain committed to supporting Ohio's local governments in every way they can. As our cities and counties continue to fight on the front lines against the heroin and opioid addiction crisis, they are in need of specific funds directed towards combating the issue.

Local Government Fund (LGF)

Am. Sub. House Bill 49 retains the rate of the Local Government Fund at 1.66 percent of general revenue.

A portion of the LGF that is distributed to municipalities that levy an income tax is redirected to a new fund, the Targeting Addiction Assistance Fund, under the legislation, to be used as follows:

- \$1 million to the Ohio Department of Health (ODH) to reimburse county coroners that perform toxicology screenings on victims of drug overdose
- \$10 million to the Ohio Department of Rehabilitation and Correction (DRC) to provide Probation Improvement and Incentive Grants to municipalities with an emphasis on providing addiction services
- \$6 million to the Ohio Department of Mental Health and Addiction Services (MHAS) to provide to local boards of alcohol, drug addiction, and mental health services to administer substance abuse stabilization centers
- \$150,000 to the Ohio Department of Jobs and Family Services (JFS) for children's crisis care centers
- \$500,000 to the Ohio Department of Medicaid (ODM), in consultation with JFS and ODH, for a pilot program to treat newborns with neonatal abstinence syndrome

Managed Care Organizations – Franchise Fee (see page 19 for more details)

Under the budget bill, Medicaid managed care organizations (MCOs) would be subject to a franchise fee, replacing a state and local sales tax on services rendered by Medicaid MCOs. In 2014, the state of Ohio was advised by the federal government that applying this sales tax was no longer permissible under federal law and that Ohio must comply by the end of June 2017. *This provision was included in Governor Kasich's vetoes. The House voted to override this veto and now waits for Senate consideration.*

- The additional funds raised will be distributed to each county and transit authority that experiences reduced sales tax revenues due to the cessation of the sales tax on Medicaid MCOs
- The franchise fee sunsets in six years, matching the six years over which the sales tax was collected
- The Director of the Department of Medicaid must see federal approval to increase this fee, which has the potential of raising up to an additional \$207 million each fiscal year for local entities through 2024

Public Library Fund

- Increases library funding by providing 1.68% of the total tax revenue credited to the General Revenue Fund to the Public Library Fund each month during fiscal years 2018 and 2019





Governor Kasich vetoed 47 provisions in the legislature's state budget proposal. On July 6, 2017, the Ohio House voted to override 11 of those 47 vetoes, which is a natural part of the government's checks-and-balances process.

Those actions were a decision to return various provisions of the state operating budget to what the legislature intended. It was the first time in exactly 40 years (July 6, 1977) that a legislative body voted to override multiple vetoes in a state budget bill.

All remaining vetoes were left open for consideration by the caucus and can be brought up for an override vote at any time until December 31, 2018—the final day of the 132nd General Assembly.

In no way does the decision to override the Governor's vetoes reflect personal motivations or animosities, but it simply is based on a difference in policy opinions that our caucus believes are best for Ohio's future.

This process is not about winning or losing, nor about one side taking credit over another. It is about addressing differences head-on and advancing policies that will be best for all Ohioans.

The following is a list of the House's overrides. (Item numbers correspond to the governor's veto message).

Item 3: Controlling Board authority

- Limits the Controlling Board's authority when determining appropriation adjustments and creating new funds
- House's override restores necessary authority to the legislature

Item 23: Medicaid coverage of optional eligibility groups

- Allows the Ohio Department of Medicaid to cover new, optional groups only when permitted by statute
- Restores greater authority to the General Assembly over the Medicaid program
- Override is necessary to deal with a Medicaid block grant program, which could soon be administered by the federal government

Item 25: Legislative oversight of rules increasing Medicaid rates

- Requires the Ohio Department of Medicaid to submit proposals for rate increases to the Joint Medicaid Oversight Committee
- Gives JMOC and the General Assembly the ability to prohibit rate increases

Item 26: Medicaid rates for neonatal and newborn services

- Requires the Ohio Department of Medicaid to set neonatal and newborn services rates at 75 percent of Medicare

Item 27: Medicaid rates for nursing facilities

- Changes the formula used to determine Medicaid payment rates for nursing facility services
- Override helps these facilities avoid a \$237 million cut to their reimbursement rates
- Vote to override was unanimous (96-0)

Item 30: Long-term services added to Medicaid managed care

- Prohibits long-term services from being added to Medicaid managed care unless approved by the General Assembly
- Important for legislature consisting of elected representatives to retain authority to determine how well people are being cared for



Item 31: Behavioral health redesign

- Requires the Ohio Department of Medicaid to delay implementation of the behavioral health redesign into managed care until July 1, 2018
- The delay is important to avoid significant problems for the state's behavioral health providers, many of which are smaller providers in rural and urban communities

Item 33: Health insuring corporation franchise fee

- Requires the Ohio Department of Medicaid to ask the U.S. Centers for Medicare and Medicaid Services (CMS) for an increase in the health insuring corporation franchise fee that has already been approved
- Additional funds will go to counties and transit authorities
- Without override, counties and transit authorities across the state would lose all replacement revenue for managed care sales tax revenue
- It is a partial replacement; not a tax increase
- Temporary for six years and subject to CMS approval

Item 34: Controlling Board authorization regarding Medicaid expenditures

- Restricts the Controlling Board from releasing funds if Congress amends federal law regarding medical assistance that reduces the percentage

Item 36: Waiver regarding Healthy Ohio program

- Requires the Ohio Department of Medicaid to request a waiver from CMS to implement the Healthy Ohio program

Item 37: Oil and Gas Leasing Commission Appointments

- Transfers appointment authority for members of the Ohio Oil and Gas Leasing Commission from the governor to the General Assembly
- The Oil and Gas Leasing Commission was passed and signed into law in 2011
- Despite signing the bill, the Governor has not appointed members to the commission in the six years since enactment
- Override gives the legislature the authority to fill the commission, seeing as the lack of one hindered oil and gas development in the state

**** On Item 28: Medicaid eligibility requirements for expansion group ****

- The conference report that was approved by the House and Senate included a provision seeking a waiver through the Centers for Medicare and Medicaid Services (CMS) to prohibit the enrollment of new individuals into the Medicaid Group VIII expansion population, with exceptions for the mentally ill and drug-addicted
- Governor Kasich vetoed the proposal
- The House did not vote to override the Governor's veto on July 6
 - Largely citing uncertainty in Washington D.C. and the potential for Congress to make significant changes regarding Medicaid expansion
- Because the legislature has until the end of 2018 to take up a veto override, the caucus felt it was appropriate to wait to see if the federal government provides further guidance
- But, like all other vetoes, Item 28 remains open for consideration and could come up for an override in the future





Mark Flanders
Director

OHIO LEGISLATIVE SERVICE COMMISSION

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Fred Strahorn

Memorandum

R-132-1691

To: Heather Blessing, Deputy Legal Counsel
House Majority Caucus

From: Cody Weisbrodt, Attorney *CW*

Date: August 28, 2017

Subject: Effective dates of veto overrides

You asked about the effective dates for the items vetoed by the Governor and subsequently overridden by the General Assembly. As I am sure you are aware, all laws in Ohio except tax levies, operating appropriations, and emergency laws are subject to a 90-day referendum period before they may take effect.¹ After the law or item is filed with the Secretary of State, the law is only effective once the 90-day referendum period expires without a referendum petition filed against the law.² If the law was vetoed, the referendum period does not begin until the vetoed item is filed with the Secretary of State after the veto is overridden by the General Assembly.³

According to the Senate Clerk's office, the six items in H.B. 49 vetoed by the Governor and subsequently overridden by the General Assembly were filed with the Secretary of State on August 23, 2017. Items 3, 23, 26, and 31 are subject to the referendum, and presumably take effect on the 91st day after they were filed: November 22, 2017. Most of Item 27 is subject to the referendum and also presumably effective on November 22, 2017, except for Section 333.165. That Section was exempted from the referendum period in Section 812.20 of H.B. 49 and presumably became immediately effective on August 22, 2017, when the veto of that item was overridden by

¹ Ohio Const., art. II, sec. 1d.

² Ohio Const., art. II, sec. 1c.

³ Ohio Const., art. II, sec. 16.

the Senate. Item 34, also exempted from the referendum by Section 812.20 of H.B. 49, was presumably immediately effective on August 22, 2017 as well.

The preceding information assumes that a referendum petition is not filed for any of the items subject to referendum, and also that those items exempted from the referendum requirement by Section 812.20 of H.B. 49 qualify as tax levies, appropriations, or emergency laws.⁴

I hope this memorandum is useful to you. Please let me know if you have any questions and feel free to contact me at Cody.Weisbrodt@lsc.ohio.gov or (614) 728-9238.

R1691-132.docx/ks

⁴ The Ohio Supreme Court has said previously that a law will not be exempt from the referendum merely because an act declares it to be exempt. The law must qualify for an exemption from the referendum under Ohio Const., art. II, sec. 1d as a tax levy, appropriation, or emergency law. Generally the Court has noted in other contexts, there is an expectation of dollars being mentioned, and any ambiguity is to be resolved in favor of the referendum. *State ex. rel. LetOhioVote.org v. Brunner*, 123 Ohio St.3d 322 (2009).

From: Rossman, Brent
Sent: Thursday, September 14, 2017 5:01 PM
To: Sarko, Alyssa
Subject: Letter of Resignation from Brent Rossman
Attachments: Brent Rossman Resignation Letter.pdf

Good afternoon Alyssa,

Please find attached my letter of resignation. I will be leaving to take employment with the Ashbrook Center at Ashland University.

Let me know if you'd like a paper copy of the letter. I have already been working with Craig and Representative Goodman on the transition.

Thank you,

Brent Rossman

Legislative Aide
Representative Wes Goodman
Ohio House of Representatives
District 87

Brent.Rossman@ohiohouse.gov
Office: 614.644.6265
Cell: 419.561.0073

Brent Rossman
735 Hidden Bridge Lane
Blacklick, OH 43004

September 14, 2017

Clifford Rosenberger
Speaker
Ohio House of Representatives
77 South High Street, #14
Columbus, OH 43215

Dear Speaker Rosenberger,

Please accept this letter of resignation from the Ohio House of Representatives as a Legislative Aide. My last day of employment will be September 29, 2017.

Thank you so much for the opportunity to serve the people of Ohio in this capacity. It has been an honor to work with so many excellent colleagues and legislators. I have learned much and grown immensely in my professional capacity. I will always hold a deep gratitude for my time here.

Please let me know if you need any assistance with the transition.

Sincerely,

Brent Rossman

Brent Rossman

From: Sarko, Alyssa
Sent: Friday, September 15, 2017 2:31 PM
To: Rossman, Brent
Subject: RE: Letter of Resignation from Brent Rossman

Congratulations & good luck, Brent!

Alyssa Sarko

Director of the Speaker's Office
Office of Speaker Clifford A. Rosenberger
77 S. High St., 14th Floor | Columbus, OH 43215
Alyssa.sarko@ohiohouse.gov | 614.466.0536

From: Rossman, Brent
Sent: Thursday, September 14, 2017 5:01 PM
To: Sarko, Alyssa
Subject: Letter of Resignation from Brent Rossman

Good afternoon Alyssa,

Please find attached my letter of resignation. I will be leaving to take employment with the Ashbrook Center at Ashland University.

Let me know if you'd like a paper copy of the letter. I have already been working with Craig and Representative Goodman on the transition.

Thank you,

Brent Rossman

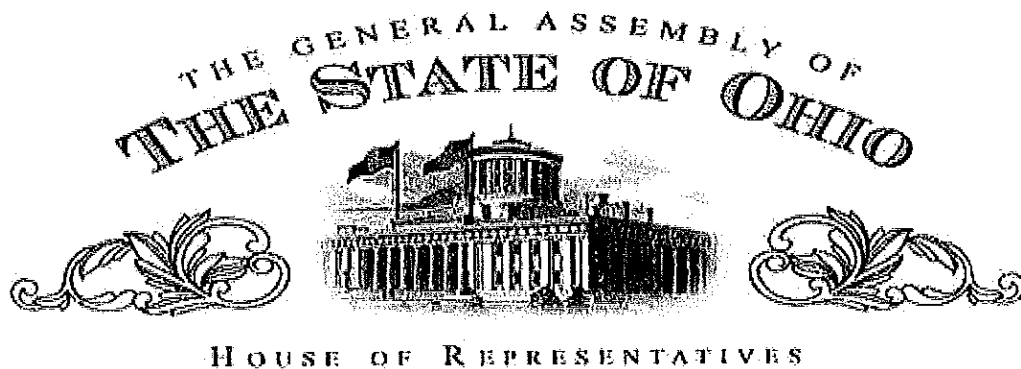
Legislative Aide
Representative Wes Goodman
Ohio House of Representatives
District 87

Brent.Rossman@ohiohouse.gov
Office: 614.644.6265
Cell: 419.561.0073

From: White, Bill
Sent: Friday, September 15, 2017 3:40 PM
To: Greenspan, Dave
CC: Rep16
Subject: REMINDER: Co-Sponsor Request: The Ohio Anti-Bullying and Hazing Act
Attachments: Language Incorporated from other States.pdf; 1_132_1347-2.pdf

Importance: High

REMINDER



MEMORANDUM

To: All House Members

From: State Representative Dave Greenspan

Date: Friday, September 15, 2017

RE: Co-Sponsor Request: The Ohio Anti-Bullying and Hazing Act

I plan on introducing legislation that seeks to address growing incidents of bullying and hazing in the State of Ohio's communities, schools, and institutions of higher education. This legislation will synchronize the Ohio Revised Code with most modern, effective, and innovative provisions currently enacted throughout all 50 states. By combining the best policy of other states into our own law, *The Ohio Anti-Bullying and Hazing Act* is the most comprehensive piece of legislation offered on a state level to address the problem of bullying and hazing statewide.

The Ohio Anti-Bullying and Hazing Act revises and amends the O.R.C. by focusing on the two main environments where bullying and hazing are most pervasive in Ohio today:

BILL HIGHLIGHTS:

Hazing:

1. Expands the times in which an act shall be considered hazing beyond “initiation” to include during membership or any acts of affiliation with an organization.
2. Expands those to whom recklessly permit hazing to “consultants, alumni, or volunteers”.
3. Penalty – expands those who are guilty of hazing from a forth degree misdemeanor to a second degree misdemeanor, and “if the hazing creates a substantial risk of causing death of any person, hazing is a felony of the third degree.”

Bullying:

1. The Bill provides guidelines for the Bully:
 - a. Discipline – mandatory suspension/expulsion (1st offence in a calendar year – up to 10 days, 2nd offence in a calendar year up to 182 days)
 - i. During the suspension/expulsion the Bully shall participate in a Community Service Plan.
 - b. Counseling – during the period of suspension/expulsion the Bully shall attend mandatory counselling – provided by the school district
 - c. Academics – during the period of suspension/expulsion the Bully shall maintain his/her academic requirements and the district may make accommodations, including tutoring and academic support.
 - d. Extracurricular Activities – during the period of suspension/expulsion the Bully is prohibited from participation.
 - e. Re-instatement – In order for the Bully to be reinstated at the conclusion of the suspension/expulsion the above must be completed.
2. The Bill provides guidelines for the victim:

- a. Counseling – the victim shall be offered, but is not required to participate in counseling
- b. Academics – the victim shall be offered, but is not required to participate in tutoring or academic support
- 3. Notification of Bullying – for each incident of Bullying, the district shall notify the custodial parent or guardian of the incident and the district shall the maintain the appropriate records.
- 4. Each school district shall post their “Anti-Bullying Policy” on the districts website.

General:

- 1. Adjoins the definitions of Hazing with Bullying
- 2. Retaliation – requires a discipline procedure shall be created for any act of retaliation
- 3. Cyber Bullying is included in the Bill

The Ohio Anti-Bullying and Hazing Act appropriately punishes the perpetrator of bullying and hazing while providing the rehabilitation needed to prevent future incidents. To effectively combat bullying and hazing in Ohio’s neighborhoods, we need to empower communities to work together with key stakeholders. By crafting a strong nexus of cooperation between our local K – 12 schools, superintendents, municipal courts, social organizations, higher education, and counselors we are making positive strides to provide a harassment-free environment for the future generation of Ohioans.

For your consideration, ***please review the attached LSC Draft of this proposed legislation.*** If you are interested in co-sponsoring this piece of legislation please do not hesitate to reach out to Bill White in my office at any point at bill.white@ohiohouse.gov or at 614-466-0961 before **Thursday, September 21st at 12:00pm.**

Respectfully,
Bill

William P. White | Legislative Aide
The Ohio House of Representatives
Office of State Representative Dave Greenspan

Office: (614)-466-0961 | Cell: (440)-596-7375

A.M.D.G

Bill.White@ohiohouse.gov

<http://www.ohiohouse.gov/dave-greenspan>



Language Incorporated from other States

1. Utah:

- Each School must "notify the parents of each student involved in an incident of bullying, cyber-bullying, harassment, hazing, or retaliation, of the incident" and "maintain a record that verifies that the parent was notified of the incident."

2. Florida:

- "Each school district shall adopt and review at least every 3 years a policy prohibiting bullying, harassment, or hazing of a student or employee of a public, K-12 educational institution."

3. Wisconsin:

- Disciplinary procedures must also address "pupils who retaliate against a pupil who reports an incident of bullying."

4. Minnesota:

- Each school board shall have a written policy addressing student or staff bullying or hazing. This policy must apply to student behavior both on or off school property, during and after school hours.

5. Missouri:

- If the act creates a substantial risk to the life of the student or prospective member, it shall be a 3rd degree felony.

6. Alaska:

- The policy must be adopted through the standard policy-making procedure for each district that includes the opportunity for participation by parents or guardians, school employees, volunteers, students, administrators, and community representatives.

7. Pennsylvania:

- Each State Institution of Higher Education shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.
- Such penalties may include fines, withholding of diplomas or transcripts, probation, suspension, or expulsion.

Reviewed As To Form By
Legislative Service Commission

I_132_1347-2

132nd General Assembly
Regular Session
2017-2018

. B. No.

A BILL

To amend sections 2903.31, 3313.66, 3313.661,
3313.666, 3314.03, and 3326.11 and to enact
sections 3313.669 and 3345.19 of the Revised
Code to enact the "Ohio Anti-Bullying and Hazing
Act" with regard to school discipline and
bullying and hazing policies at public schools
and public colleges.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2903.31, 3313.66, 3313.661,
3313.666, 3314.03, and 3326.11 be amended and sections 3313.669
and 3345.19 of the Revised Code be enacted to read as follows:

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Sec. 2903.31. (A) As used in this section, "hazing" means
doing any act or coercing another, including the victim, to do
any act of initiation into any student or other organization or
any act to affirm, continue, or reinstate membership in or
affiliation with any student or other organization that causes
or creates a substantial risk of causing mental or physical harm
to any person.

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(B) (1) No person shall recklessly participate in the 18
hazing of another. 19

(2) No administrator, employee, ~~or~~ faculty member, 20
consultant, alumnus, or volunteer of any organization, including 21
any primary, secondary, or post-secondary school or ~~of~~ any other 22
educational institution, public or private, shall recklessly 23
permit the hazing of any person. 24

(C) Whoever violates this section is guilty of hazing, a 25
misdemeanor of the ~~fourth-second~~ degree. If the hazing creates a 26
substantial risk of causing the death of any person, hazing is a 27
felony of the third degree. 28

Sec. 3313.66. (A) Except as provided under division (B) (2) 29
of this section and section 3313.669 of the Revised Code, and 30
subject to section 3313.668 of the Revised Code, the 31
superintendent of schools of a city, exempted village, or local 32
school district, or the principal of a public school may suspend 33
a pupil from school for not more than ten school days. The board 34
of education of a city, exempted village, or local school 35
district may adopt a policy granting assistant principals and 36
other administrators the authority to suspend a pupil from 37
school for a period of time as specified in the policy of the 38
board of education, not to exceed ten school days. If at the 39
time an out-of-school suspension is imposed there are fewer than 40
ten school days remaining in the school year in which the 41
incident that gives rise to the suspension takes place, the 42
superintendent shall not apply any remaining part of the period 43
of the suspension to the following school year. The 44
superintendent may instead require the pupil to participate in a 45
community service program or another alternative consequence for 46
a number of hours equal to the remaining part of the period of 47

the suspension. The pupil shall be required to begin the pupil's
community service or alternative consequence during the first
full week day of summer break. Each school district, in its
discretion, may develop an appropriate list of alternative
consequences. In the event that a pupil fails to complete
community service or the assigned alternative consequence, the
school district may determine the next course of action, which
shall not include requiring the pupil to serve the remaining
time of the out-of-school suspension at the beginning of the
following school year.

Except in the case of a pupil given an in-school
suspension, no pupil shall be suspended unless prior to the
suspension the superintendent or principal does both of the
following:

(1) Gives the pupil written notice of the intention to
suspend the pupil and the reasons for the intended suspension
and, if the proposed suspension is based on a violation listed
in division (A) of section 3313.662 of the Revised Code and if
the pupil is sixteen years of age or older, includes in the
notice a statement that the superintendent may seek to
permanently exclude the pupil if the pupil is convicted of or
adjudicated a delinquent child for that violation;

(2) Provides the pupil an opportunity to appear at an
informal hearing before the principal, assistant principal,
superintendent, or superintendent's designee and challenge the
reason for the intended suspension or otherwise to explain the
pupil's actions.

If a pupil is suspended pursuant to division (A) of this
section, the school district board may, in its discretion,
permit the pupil to complete any classroom assignments missed

because of the suspension.

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(B) (1) Except as provided under division (B) (2), (3), ~~ex-~~
(4), or (5) of this section and section 3313.669 of the Revised
Code, and subject to section 3313.668 of the Revised Code, the
superintendent of schools of a city, exempted village, or local
school district may expel a pupil from school for a period not
to exceed the greater of eighty school days or the number of
school days remaining in the semester or term in which the
incident that gives rise to the expulsion takes place, unless
the expulsion is extended pursuant to division (F) of this
section. If at the time an expulsion is imposed there are fewer
than eighty school days remaining in the school year in which
the incident that gives rise to the expulsion takes place, the
superintendent may apply any remaining part or all of the period
of the expulsion to the following school year.

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(2) (a) Unless a pupil is permanently excluded pursuant to
section 3313.662 of the Revised Code, the superintendent of
schools of a city, exempted village, or local school district
shall expel a pupil from school for a period of one year for
bringing a firearm to a school operated by the board of
education of the district or onto any other property owned or
controlled by the board, except that the superintendent may
reduce this requirement on a case-by-case basis in accordance
with the policy adopted by the board under section 3313.661 of
the Revised Code.

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(b) The superintendent of schools of a city, exempted
village, or local school district may expel a pupil from school
for a period of one year for bringing a firearm to an
interscholastic competition, an extracurricular event, or any
other school program or activity that is not located in a school

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or on property that is owned or controlled by the district. The 108
superintendent may reduce this disciplinary action on a case-by- 109
case basis in accordance with the policy adopted by the board 110
under section 3313.661 of the Revised Code. 111

(c) Any expulsion pursuant to division (B)(2) of this 112
section shall extend, as necessary, into the school year 113
following the school year in which the incident that gives rise 114
to the expulsion takes place. As used in this division, 115
"firearm" has the same meaning as provided pursuant to the "Gun- 116
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 117

(3) The board of education of a city, exempted village, or 118
local school district may adopt a resolution authorizing the 119
superintendent of schools to expel a pupil from school for a 120
period not to exceed one year for bringing a knife to a school 121
operated by the board, onto any other property owned or 122
controlled by the board, or to an interscholastic competition, 123
an extracurricular event, or any other program or activity 124
sponsored by the school district or in which the district is a 125
participant, or for possessing a firearm or knife at a school, 126
on any other property owned or controlled by the board, or at an 127
interscholastic competition, an extracurricular event, or any 128
other school program or activity, which firearm or knife was 129
initially brought onto school board property by another person. 130
The resolution may authorize the superintendent to extend such 131
an expulsion, as necessary, into the school year following the 132
school year in which the incident that gives rise to the 133
expulsion takes place. 134

(4) The board of education of a city, exempted village, or 135
local school district may adopt a resolution establishing a 136
policy under section 3313.661 of the Revised Code that 137

authorizes the superintendent of schools to expel a pupil from 138
school for a period not to exceed one year for committing an act 139
that is a criminal offense when committed by an adult and that 140
results in serious physical harm to persons as defined in 141
division (A) (5) of section 2901.01 of the Revised Code or 142
serious physical harm to property as defined in division (A) (6) 143
of section 2901.01 of the Revised Code while the pupil is at 144
school, on any other property owned or controlled by the board, 145
or at an interscholastic competition, an extracurricular event, 146
or any other school program or activity. Any expulsion under 147
this division shall extend, as necessary, into the school year 148
following the school year in which the incident that gives rise 149
to the expulsion takes place. 150

(5) The board of education of any city, exempted village, 151
or local school district may adopt a resolution establishing a 152
policy under section 3313.661 of the Revised Code that 153
authorizes the superintendent of schools to expel a pupil from 154
school for a period not to exceed one year for making a bomb 155
threat to a school building or to any premises at which a school 156
activity is occurring at the time of the threat. Any expulsion 157
under this division shall extend, as necessary, into the school 158
year following the school year in which the incident that gives 159
rise to the expulsion takes place. 160

(6) No pupil shall be expelled under division (B) (1), (2), 161
(3), (4), or (5) of this section unless, prior to the pupil's 162
expulsion, the superintendent does both of the following: 163

(a) Gives the pupil and the pupil's parent, guardian, or 164
custodian written notice of the intention to expel the pupil; 165

(b) Provides the pupil and the pupil's parent, guardian, 166
custodian, or representative an opportunity to appear in person 167

before the superintendent or the superintendent's designee to 168
challenge the reasons for the intended expulsion or otherwise to 169
explain the pupil's actions. 170

The notice required in this division shall include the 171
reasons for the intended expulsion, notification of the 172
opportunity of the pupil and the pupil's parent, guardian, 173
custodian, or representative to appear before the superintendent 174
or the superintendent's designee to challenge the reasons for 175
the intended expulsion or otherwise to explain the pupil's 176
action, and notification of the time and place to appear. The 177
time to appear shall not be earlier than three nor later than 178
five school days after the notice is given, unless the 179
superintendent grants an extension of time at the request of the 180
pupil or the pupil's parent, guardian, custodian, or 181
representative. If an extension is granted after giving the 182
original notice, the superintendent shall notify the pupil and 183
the pupil's parent, guardian, custodian, or representative of 184
the new time and place to appear. If the proposed expulsion is 185
based on a violation listed in division (A) of section 3313.662 186
of the Revised Code and if the pupil is sixteen years of age or 187
older, the notice shall include a statement that the 188
superintendent may seek to permanently exclude the pupil if the 189
pupil is convicted of or adjudicated a delinquent child for that 190
violation. 191

(7) A superintendent of schools of a city, exempted 192
village, or local school district shall initiate expulsion 193
proceedings pursuant to this section with respect to any pupil 194
who has committed an act warranting expulsion under the 195
district's policy regarding expulsion even if the pupil has 196
withdrawn from school for any reason after the incident that 197
gives rise to the hearing but prior to the hearing or decision 198

to impose the expulsion. If, following the hearing, the pupil 199
would have been expelled for a period of time had the pupil 200
still been enrolled in the school, the expulsion shall be 201
imposed for the same length of time as on a pupil who has not 202
withdrawn from the school. 203

(C) If a pupil's presence poses a continuing danger to 204
persons or property or an ongoing threat of disrupting the 205
academic process taking place either within a classroom or 206
elsewhere on the school premises, the superintendent or a 207
principal or assistant principal may remove a pupil from 208
curricular activities or from the school premises, and a teacher 209
may remove a pupil from curricular activities under the 210
teacher's supervision, without the notice and hearing 211
requirements of division (A) or (B) of this section. As soon as 212
practicable after making such a removal, the teacher shall 213
submit in writing to the principal the reasons for such removal. 214

If a pupil is removed under this division from a 215
curricular activity or from the school premises, written notice 216
of the hearing and of the reason for the removal shall be given 217
to the pupil as soon as practicable prior to the hearing, which 218
shall be held within three school days from the time the initial 219
removal is ordered. The hearing shall be held in accordance with 220
division (A) of this section unless it is probable that the 221
pupil may be subject to expulsion, in which case a hearing in 222
accordance with division (B) of this section shall be held, 223
except that the hearing shall be held within three school days 224
of the initial removal. The individual who ordered, caused, or 225
requested the removal to be made shall be present at the 226
hearing. 227

If the superintendent or the principal reinstates a pupil 228

in a curricular activity under the teacher's supervision prior 229
to the hearing following a removal under this division, the 230
teacher, upon request, shall be given in writing the reasons for 231
such reinstatement. 232

(D) The superintendent or principal, within one school day 233
after the time of a pupil's expulsion or suspension, shall 234
notify in writing the parent, guardian, or custodian of the 235
pupil and the treasurer of the board of education of the 236
expulsion or suspension. The notice shall include the reasons 237
for the expulsion or suspension, notification of the right of 238
the pupil or the pupil's parent, guardian, or custodian to 239
appeal the expulsion or suspension to the board of education or 240
to its designee, to be represented in all appeal proceedings, to 241
be granted a hearing before the board or its designee in order 242
to be heard against the suspension or expulsion, and to request 243
that the hearing be held in executive session, notification that 244
the expulsion may be subject to extension pursuant to division 245
(F) of this section if the pupil is sixteen years of age or 246
older, and notification that the superintendent may seek the 247
pupil's permanent exclusion if the suspension or expulsion was 248
based on a violation listed in division (A) of section 3313.662 249
of the Revised Code that was committed when the child was 250
sixteen years of age or older and if the pupil is convicted of 251
or adjudicated a delinquent child for that violation. 252

In accordance with the policy adopted by the board of 253
education under section 3313.661 of the Revised Code, the notice 254
provided under this division shall specify the manner and date 255
by which the pupil or the pupil's parent, guardian, or custodian 256
shall notify the board of the pupil's, parent's, guardian's, or 257
custodian's intent to appeal the expulsion or suspension to the 258
board or its designee. 259

Any superintendent expelling a pupil under this section 260
for more than twenty school days or for any period of time if 261
the expulsion will extend into the following semester or school 262
year shall, in the notice required under this division, provide 263
the pupil and the pupil's parent, guardian, or custodian with 264
information about services or programs offered by public and 265
private agencies that work toward improving those aspects of the 266
pupil's attitudes and behavior that contributed to the incident 267
that gave rise to the pupil's expulsion. The information shall 268
include the names, addresses, and phone numbers of the 269
appropriate public and private agencies. 270

(E) A pupil or the pupil's parent, guardian, or custodian 271
may appeal the pupil's expulsion by a superintendent or 272
suspension by a superintendent, principal, assistant principal, 273
or other administrator to the board of education or to its 274
designee. If the pupil or the pupil's parent, guardian, or 275
custodian intends to appeal the expulsion or suspension to the 276
board or its designee, the pupil or the pupil's parent, 277
guardian, or custodian shall notify the board in the manner and 278
by the date specified in the notice provided under division (D) 279
of this section. The pupil or the pupil's parent, guardian, or 280
custodian may be represented in all appeal proceedings and shall 281
be granted a hearing before the board or its designee in order 282
to be heard against the suspension or expulsion. At the request 283
of the pupil or of the pupil's parent, guardian, custodian, or 284
attorney, the board or its designee may hold the hearing in 285
executive session but shall act upon the suspension or expulsion 286
only at a public meeting. The board, by a majority vote of its 287
full membership or by the action of its designee, may affirm the 288
order of suspension or expulsion, reinstate the pupil, or 289
otherwise reverse, vacate, or modify the order of suspension or 290

expulsion. 291

The board or its designee shall make a verbatim record of 292
hearings held under this division. The decisions of the board or 293
its designee may be appealed under Chapter 2506. of the Revised 294
Code. 295

This section shall not be construed to require notice and 296
hearing in accordance with division (A), (B), or (C) of this 297
section in the case of normal disciplinary procedures in which a 298
pupil is removed from a curricular activity for a period of less 299
than one school day and is not subject to suspension or 300
expulsion. 301

(F) (1) If a pupil is expelled pursuant to division (B) of 302
this section for committing any violation listed in division (A) 303
of section 3313.662 of the Revised Code and the pupil was 304
sixteen years of age or older at the time of committing the 305
violation, if a complaint, indictment, or information is filed 306
alleging that the pupil is a delinquent child based upon the 307
commission of the violation or the pupil is prosecuted as an 308
adult for the commission of the violation, and if the resultant 309
juvenile court or criminal proceeding is pending at the time 310
that the expulsion terminates, the superintendent of schools 311
that expelled the pupil may file a motion with the court in 312
which the proceeding is pending requesting an order extending 313
the expulsion for the lesser of an additional eighty days or the 314
number of school days remaining in the school year. Upon the 315
filing of the motion, the court immediately shall schedule a 316
hearing and give written notice of the time, date, and location 317
of the hearing to the superintendent and to the pupil and the 318
pupil's parent, guardian, or custodian. At the hearing, the 319
court shall determine whether there is reasonable cause to 320

believe that the pupil committed the alleged violation that is 321
the basis of the expulsion and, upon determining that reasonable 322
cause to believe the pupil committed the violation does exist, 323
shall grant the requested extension. 324

(2) If a pupil has been convicted of or adjudicated a 325
delinquent child for a violation listed in division (A) of 326
section 3313.662 of the Revised Code for an act that was 327
committed when the child was sixteen years of age or older, if 328
the pupil has been expelled pursuant to division (B) of this 329
section for that violation, and if the board of education of the 330
school district of the school from which the pupil was expelled 331
has adopted a resolution seeking the pupil's permanent 332
exclusion, the superintendent may file a motion with the court 333
that convicted the pupil or adjudicated the pupil a delinquent 334
child requesting an order to extend the expulsion until an 335
adjudication order or other determination regarding permanent 336
exclusion is issued by the superintendent of public instruction 337
pursuant to section 3301.121 and division (D) of section 338
3313.662 of the Revised Code. Upon the filing of the motion, the 339
court immediately shall schedule a hearing and give written 340
notice of the time, date, and location of the hearing to the 341
superintendent of the school district, the pupil, and the 342
pupil's parent, guardian, or custodian. At the hearing, the 343
court shall determine whether there is reasonable cause to 344
believe the pupil's continued attendance in the public school 345
system may endanger the health and safety of other pupils or 346
school employees and, upon making that determination, shall 347
grant the requested extension. 348

(G) The failure of the superintendent or the board of 349
education to provide the information regarding the possibility 350
of permanent exclusion in the notice required by divisions (A), 351

(B), and (D) of this section is not jurisdictional, and the 352
failure shall not affect the validity of any suspension or 353
expulsion procedure that is conducted in accordance with this 354
section or the validity of a permanent exclusion procedure that 355
is conducted in accordance with sections 3301.121 and 3313.662 356
of the Revised Code. 357

(H) With regard to suspensions and expulsions pursuant to 358
divisions (A) and (B) of this section by the board of education 359
of any city, exempted village, or local school district, this 360
section shall apply to any student, whether or not the student 361
is enrolled in the district, attending or otherwise 362
participating in any curricular program provided in a school 363
operated by the board or provided on any other property owned or 364
controlled by the board. 365

(I) Whenever a student is expelled under this section, the 366
expulsion shall result in removal of the student from the 367
student's regular school setting. However, during the period of 368
the expulsion, the board of education of the school district 369
that expelled the student or any board of education admitting 370
the student during that expulsion period may provide educational 371
services to the student in an alternative setting. 372

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 373
3313.64, and 3313.65 of the Revised Code, any school district, 374
after offering an opportunity for a hearing, may temporarily 375
deny admittance to any pupil if one of the following applies: 376

(a) The pupil has been suspended from the schools of 377
another district under division (A) of this section and the 378
period of suspension, as established under that division, has 379
not expired; 380

(b) The pupil has been expelled from the schools of 381
another district under division (B) of this section and the 382
period of the expulsion, as established under that division or 383
as extended under division (F) of this section, has not expired. 384

If a pupil is temporarily denied admission under this 385
division, the pupil shall be admitted to school in accordance 386
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 387
Revised Code no later than upon expiration of the suspension or 388
expulsion period, as applicable. 389

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 390
and 3313.65 of the Revised Code, any school district, after 391
offering an opportunity for a hearing, may temporarily deny 392
admittance to any pupil if the pupil has been expelled or 393
otherwise removed for disciplinary purposes from a public school 394
in another state and the period of expulsion or removal has not 395
expired. If a pupil is temporarily denied admission under this 396
division, the pupil shall be admitted to school in accordance 397
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 398
Revised Code no later than the earlier of the following: 399

(a) Upon expiration of the expulsion or removal period 400
imposed by the out-of-state school; 401

(b) Upon expiration of a period established by the 402
district, beginning with the date of expulsion or removal from 403
the out-of-state school, that is no greater than the period of 404
expulsion that the pupil would have received under the policy 405
adopted by the district under section 3313.661 of the Revised 406
Code had the offense that gave rise to the expulsion or removal 407
by the out-of-state school been committed while the pupil was 408
enrolled in the district. 409

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a school setting.

Sec. 3313.661. (A) The board of education of each city, exempted village, and local school district shall adopt a policy regarding suspension, expulsion, removal, and permanent exclusion that specifies the types of misconduct for which a pupil may be suspended, expelled, or removed. The types of misconduct may include misconduct by a pupil that occurs off of property owned or controlled by the district but that is connected to activities or incidents that have occurred on property owned or controlled by that district and misconduct by a pupil that, regardless of where it occurs, is directed at a district official or employee, or the property of such official or employee. The policy shall specify the reasons for which the superintendent of the district may reduce the expulsion requirement in division (B) (2) of section 3313.66 of the Revised Code. If a board of education adopts a resolution pursuant to division (B) (3) of section 3313.66 of the Revised Code, the policy shall define the term "knife" or "firearm," as applicable, for purposes of expulsion under that resolution and shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. If a board of education adopts a resolution pursuant to division (B) (4) or (5) of section 3313.66 of the Revised Code, the policy shall specify any reasons for which the superintendent of the district may reduce any required expulsion period on a case-by-case basis. The policy also shall set forth

the acts listed in section 3313.662 of the Revised Code for 440
which a pupil may be permanently excluded. 441

The policy adopted under this division shall specify the 442
date and manner by which a pupil or a pupil's parent, guardian, 443
or custodian may notify the board of the pupil's, parent's, 444
guardian's, or custodian's intent to appeal an expulsion or 445
suspension to the board or its designee pursuant to division (E) 446
of section 3313.66 of the Revised Code. In the case of any 447
expulsion, the policy shall not specify a date that is less than 448
fourteen days after the date of the notice provided to the pupil 449
or the pupil's parent, guardian, or custodian under division (D) 450
of that section. 451

A copy of the policy shall be posted on the district's web 452
site, if the district has one, and in a central location in the 453
school and shall be made available to pupils upon request. No 454
pupil shall be suspended, expelled, or removed except in 455
accordance with the policy adopted by the board of education of 456
the school district in which the pupil attends school, and no 457
pupil shall be permanently excluded except in accordance with 458
sections 3301.121 and 3313.662 of the Revised Code. 459

(B) (1) A board of education may establish a program and 460
adopt guidelines under which a superintendent may require a 461
pupil to perform community service in conjunction with a 462
suspension or expulsion imposed under section 3313.66 of the 463
Revised Code or in place of a suspension or expulsion imposed 464
under section 3313.66 of the Revised Code except for an 465
expulsion imposed pursuant to division (B) (2) of that section. 466
If a board adopts guidelines under this division, they shall 467
permit, except with regard to an expulsion pursuant to division 468
(B) (2) of section 3313.66 of the Revised Code, a superintendent 469

to impose a community service requirement beyond the end of the 470
school year in lieu of applying an expulsion into the following 471
school year. Any guidelines adopted shall be included in the 472
policy adopted under this section. 473

(2) If a pupil is suspended or expelled for an offense of 474
harassment, intimidation, or bullying under section 3313.669 of 475
the Revised Code, the board of education shall file a notice 476
with a municipal court that has jurisdiction in the school 477
district. Within three days after the notice is filed, the court 478
or a person, agency, or organization appointed by the court, in 479
consultation with the child, the child's parent or guardian, and 480
the child's school, shall develop a community service plan. The 481
plan shall include specific goals and timelines under which the 482
pupil must perform community service during the term of the 483
pupil's suspension or expulsion. 484

(C) The written policy of each board of education that is 485
adopted pursuant to section 3313.20 of the Revised Code shall be 486
posted on the district's web site, if the district has one, and 487
in a central location in each school that is subject to the 488
policy and shall be made available to pupils upon request. 489

(D) Any policy, program, or guideline adopted by a board 490
of education under this section with regard to suspensions or 491
expulsions pursuant to division (A) or (B) of section 3313.66 of 492
the Revised Code shall apply to any student, whether or not the 493
student is enrolled in the district, attending or otherwise 494
participating in any curricular program provided in a school 495
operated by the board or provided on any other property owned or 496
controlled by the board. 497

(E) As used in this section, ~~"permanently";~~ 498

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.	499 500
(2) "Harassment, intimidation, or bullying" has the same meaning as in section 3313.666 of the Revised Code.	501 502
Sec. 3313.666. (A) As used in this section:	503
(1) "Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device.	504 505 506
(2) "Harassment, intimidation, or bullying" means either <u>any</u> of the following:	507 508
(a) Any intentional written, verbal, electronic, or physical act that a student has exhibited toward another particular student <u>or an administrator, employee, faculty member, consultant, or volunteer of the district</u> more than once and the behavior both:	509 510 511 512 513
(i) Causes mental or physical harm to the other student <u>or the administrator, employee, faculty member, consultant, or volunteer of the district;</u>	514 515 516
(ii) Is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student <u>or the administrator, employee, faculty member, consultant, or volunteer of the district.</u>	517 518 519 520 521
(b) Violence within a dating relationship;	522
(c) Hazing as defined in section 2903.31 of the Revised Code.	523 524
(B) The board of education of each city, local, exempted	525

village, and joint vocational school district shall establish a 526
policy prohibiting the harassment, intimidation, or bullying of 527
students and administrators, employees, faculty members, 528
consultants, and volunteers of the district. The policy shall be 529
developed in consultation with parents, school employees, school 530
volunteers, students, and community members, and shall apply to 531
grades kindergarten through twelve. The policy shall include the 532
following: 533

(1) A statement prohibiting harassment, intimidation, or 534
bullying of any student on school property, on a school bus, or 535
at school-sponsored events and expressly providing for the 536
possibility of suspension of a student found responsible for 537
harassment, intimidation, or bullying by an electronic act; 538

(2) A definition of harassment, intimidation, or bullying 539
that includes the definition in division (A) of this section; 540

(3) A procedure for reporting prohibited incidents; 541

(4) A requirement that school personnel report prohibited 542
incidents of which they are aware to the school principal or 543
other administrator designated by the principal; 544

(5) A requirement that the custodial parent or guardian of 545
any student involved in a prohibited incident be notified and, 546
to the extent permitted by section 3319.321 of the Revised Code 547
and the "Family Educational Rights and Privacy Act of 1974," 88 548
Stat. 571, 20 U.S.C. 1232g, as amended, have access to any 549
written reports pertaining to the prohibited incident~~+~~. For each 550
prohibited incident, the district shall maintain a record 551
verifying that the custodial parent or guardian was notified of 552
the incident. 553

(6) A procedure for documenting any prohibited incident 554

that is reported; 555

(7) A procedure for responding to and investigating any 556
reported incident; 557

(8) A strategy for protecting a victim or other person 558
from new or additional harassment, intimidation, or bullying, 559
and from retaliation following a report, including a means by 560
which a person may report an incident anonymously; 561

(9) A disciplinary procedure for any student guilty of 562
harassment, intimidation, or bullying, which shall not infringe 563
on any student's rights under the first amendment to the 564
Constitution of the United States~~7~~. The disciplinary procedure 565
shall comply with section 3313.669 of the Revised Code. 566

(10) A disciplinary procedure for any student guilty of 567
retaliation against a student who reports an incident of 568
harassment, intimidation, or bullying; 569

(11) A statement prohibiting students from deliberately 570
making false reports of harassment, intimidation, or bullying 571
and a disciplinary procedure for any student responsible for 572
deliberately making a false report of that nature; 573

~~(11)~~ (12) A requirement that the district administration 574
semiannually provide the president of the district board a 575
written summary of all reported incidents and post the summary 576
on its web site, if the district has a web site, to the extent 577
permitted by section 3319.321 of the Revised Code and the 578
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 579
571, 20 U.S.C. 1232g, as amended. 580

(C) Each board's policy shall appear in any student 581
handbooks, and in any of the publications that set forth the 582
comprehensive rules, procedures, and standards of conduct for 583

schools and students in the district. The policy and an 584
explanation of the seriousness of bullying by electronic means 585
shall be made available to students in the district and to their 586
custodial parents or guardians. Information regarding the policy 587
shall be incorporated into employee training materials. 588

(D) (1) To the extent that state or federal funds are 589
appropriated for this purpose, each board shall require that all 590
students enrolled in the district annually be provided with age- 591
appropriate instruction, as determined by the board, on the 592
board's policy, including a written or verbal discussion of the 593
consequences for violations of the policy. 594

(2) Each board shall require that once each school year a 595
written statement describing the policy and the consequences for 596
violations of the policy be sent to each student's custodial 597
parent or guardian. The statement may be sent with regular 598
student report cards or may be delivered electronically. 599

(E) A school district employee, student, or volunteer 600
shall be individually immune from liability in a civil action 601
for damages arising from reporting an incident in accordance 602
with a policy adopted pursuant to this section if that person 603
reports an incident of harassment, intimidation, or bullying 604
promptly in good faith and in compliance with the procedures as 605
specified in the policy. 606

(F) Except as provided in division (E) of this section, 607
nothing in this section prohibits a victim from seeking redress 608
under any other provision of the Revised Code or common law that 609
may apply. 610

(G) This section does not create a new cause of action or 611
a substantive legal right for any person. 612

(H) Each board shall update the policy adopted under this section to include violence within a dating relationship and, harassment, intimidation, or bullying by electronic means, and hazing. The board also shall review and update the policy adopted under this section at least once every three years.

Sec. 3313.669. (A) The board of education of each city, exempted village, or local school district shall adopt a resolution establishing a policy under section 3313.661 of the Revised Code that requires the superintendent of schools to do the following for a pupil who commits an offense of harassment, intimidation, or bullying:

(1) For the first offense, suspend that pupil for up to ten days;

(2) For the second offense within the same calendar year, expel that pupil for up to one hundred eighty-two days.

If at the time a suspension or expulsion is imposed under this section there are fewer school days remaining in the school year in which the incident that gives rise to the suspension or expulsion takes place than the number of days for which the pupil is suspended or expelled, the superintendent shall apply any remaining part of the period of the suspension or expulsion to the following school year.

(B) If a pupil is suspended or expelled for an offense of harassment, intimidation, or bullying under this section, the board of education shall file a notice with a municipal court that has jurisdiction in the school district. Within three days after the notice is filed, the court or a person, agency, or organization appointed by the court, in consultation with the child, the child's parent or guardian, and the child's school,

shall develop a community service plan. The plan shall include 642
specific goals and timelines under which the pupil must perform 643
community service during the term of the pupil's suspension or 644
expulsion. The duration of the community service performed under 645
the plan shall equal the number of days for which a pupil is 646
suspended or expelled. In order to complete the required number 647
of days, the community service plan may continue beyond the date 648
upon which a pupil returns to school. 649

(C) During the period of a pupil's suspension or expulsion 650
under this section, the district shall do all of the following: 651

(1) Permit the pupil to complete all missed schoolwork. 652
For this purpose, the district may offer tutoring and academic 653
support to the student. 654

(2) Permit the pupil to take any required state 655
assessment. For this purpose, the pupil shall be permitted to 656
take the assessment in the student's regular school setting. 657

(3) Provide counseling for the suspended or expelled 658
pupil, so long as the parent, guardian, or custodian of the 659
pupil gives permission for the pupil to undergo such counseling; 660

(4) Prohibit the pupil from participating in any 661
extracurricular activity, as defined in section 3313.537 of the 662
Revised Code. 663

The district also shall offer counseling services to the 664
victim of the offense. However, the victim is not required to 665
participate in the counseling. 666

(D) As a condition of returning to school, a pupil who is 667
suspended or expelled under this section shall complete all 668
missed schoolwork and the required amount of counseling, as 669
determined by the superintendent. If the pupil does not complete 670

these requirements, the pupil may be permitted to return to 671
school provided the superintendent determines that the pupil has 672
made sufficient progress towards completing the requirements. 673

If a parent, guardian, or custodian does not give 674
permission for a suspended or expelled pupil to undergo 675
counseling, the pupil shall not be permitted to return to 676
school. 677

(E) No pupil shall be suspended or expelled under this 678
section unless, prior to the pupil's suspension or expulsion, 679
the superintendent does both of the following: 680

(1) Gives the pupil and the pupil's parent, guardian, or 681
custodian written notice of the intention to suspend or expel 682
the pupil; 683

(2) Provides the pupil and the pupil's parent, guardian, 684
custodian, or representative an opportunity to appear in person 685
before the superintendent or the superintendent's designee to 686
challenge the reasons for the intended suspension or expulsion 687
or otherwise to explain the pupil's actions. 688

The notice required in this division shall include the 689
reasons for the intended suspension or expulsion, notification 690
of the opportunity of the pupil and the pupil's parent, 691
guardian, custodian, or representative to appear before the 692
superintendent or the superintendent's designee to challenge the 693
reasons for the intended suspension or expulsion or otherwise to 694
explain the pupil's action, and notification of the time and 695
place to appear. The time to appear shall not be earlier than 696
three nor later than five school days after the notice is given, 697
unless the superintendent grants an extension of time at the 698
request of the pupil or the pupil's parent, guardian, custodian, 699

or representative. If an extension is granted after giving the 700
original notice, the superintendent shall notify the pupil and 701
the pupil's parent, guardian, custodian, or representative of 702
the new time and place to appear. 703

(F) The superintendent or principal, within one school day 704
after the time of a pupil's expulsion or suspension, shall 705
notify in writing the parent, guardian, or custodian of the 706
pupil and the treasurer of the board of education of the 707
expulsion or suspension. The notice shall include the reasons 708
for the expulsion or suspension, notification of the right of 709
the pupil or the pupil's parent, guardian, or custodian to 710
appeal the expulsion or suspension to the board of education or 711
to its designee, to be represented in all appeal proceedings, to 712
be granted a hearing before the board or its designee in order 713
to be heard against the suspension or expulsion, and to request 714
that the hearing be held in executive session. 715

In accordance with the policy adopted by the board of 716
education under this section, the notice provided under this 717
division shall specify the manner and date by which the pupil or 718
the pupil's parent, guardian, or custodian shall notify the 719
board of the pupil's, parent's, guardian's, or custodian's 720
intent to appeal the expulsion or suspension to the board or its 721
designee. 722

(G) A pupil or the pupil's parent, guardian, or custodian 723
may appeal the pupil's suspension or expulsion by a 724
superintendent or suspension by a superintendent, principal, 725
assistant principal, or other administrator to the board of 726
education or to its designee. If the pupil or the pupil's 727
parent, guardian, or custodian intends to appeal the suspension 728
or expulsion to the board or its designee, the pupil or the 729

pupil's parent, guardian, or custodian shall notify the board in 730
the manner and by the date specified in the notice provided 731
under division (E) of this section. The pupil or the pupil's 732
parent, guardian, or custodian may be represented in all appeal 733
proceedings and shall be granted a hearing before the board or 734
its designee in order to be heard against the suspension or 735
expulsion. At the request of the pupil or of the pupil's parent, 736
guardian, custodian, or attorney, the board or its designee may 737
hold the hearing in executive session but shall act upon the 738
suspension or expulsion only at a public meeting. The board, by 739
a majority vote of its full membership or by the action of its 740
designee, may affirm the order of suspension or expulsion, 741
reinstate the pupil, or otherwise reverse, vacate, or modify the 742
order of suspension or expulsion. 743

The board or its designee shall make a verbatim record of 744
hearings held under this division. The decisions of the board or 745
its designee may be appealed under Chapter 2506. of the Revised 746
Code. 747

(H) This section does not apply to any pupil in grades 748
kindergarten through three or a pupil who has a developmental 749
disability. 750

Sec. 3314.03. A copy of every contract entered into under 751
this section shall be filed with the superintendent of public 752
instruction. The department of education shall make available on 753
its web site a copy of every approved, executed contract filed 754
with the superintendent under this section. 755

(A) Each contract entered into between a sponsor and the 756
governing authority of a community school shall specify the 757
following: 758

(1) That the school shall be established as either of the 759
following: 760

(a) A nonprofit corporation established under Chapter 761
1702. of the Revised Code, if established prior to April 8, 762
2003; 763

(b) A public benefit corporation established under Chapter 764
1702. of the Revised Code, if established after April 8, 2003. 765

(2) The education program of the school, including the 766
school's mission, the characteristics of the students the school 767
is expected to attract, the ages and grades of students, and the 768
focus of the curriculum; 769

(3) The academic goals to be achieved and the method of 770
measurement that will be used to determine progress toward those 771
goals, which shall include the statewide achievement 772
assessments; 773

(4) Performance standards, including but not limited to 774
all applicable report card measures set forth in section 3302.03 775
or 3314.017 of the Revised Code, by which the success of the 776
school will be evaluated by the sponsor; 777

(5) The admission standards of section 3314.06 of the 778
Revised Code and, if applicable, section 3314.061 of the Revised 779
Code; 780

(6) (a) Dismissal procedures; 781

(b) A requirement that the governing authority adopt an 782
attendance policy that includes a procedure for automatically 783
withdrawing a student from the school if the student without a 784
legitimate excuse fails to participate in one hundred five 785
consecutive hours of the learning opportunities offered to the 786

student. 787

(7) The ways by which the school will achieve racial and 788
ethnic balance reflective of the community it serves; 789

(8) Requirements for financial audits by the auditor of 790
state. The contract shall require financial records of the 791
school to be maintained in the same manner as are financial 792
records of school districts, pursuant to rules of the auditor of 793
state. Audits shall be conducted in accordance with section 794
117.10 of the Revised Code. 795

(9) An addendum to the contract outlining the facilities 796
to be used that contains at least the following information: 797

(a) A detailed description of each facility used for 798
instructional purposes; 799

(b) The annual costs associated with leasing each facility 800
that are paid by or on behalf of the school; 801

(c) The annual mortgage principal and interest payments 802
that are paid by the school; 803

(d) The name of the lender or landlord, identified as 804
such, and the lender's or landlord's relationship to the 805
operator, if any. 806

(10) Qualifications of teachers, including a requirement 807
that the school's classroom teachers be licensed in accordance 808
with sections 3319.22 to 3319.31 of the Revised Code, except 809
that a community school may engage noncertificated persons to 810
teach up to twelve hours per week pursuant to section 3319.301 811
of the Revised Code. 812

(11) That the school will comply with the following 813
requirements: 814

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 844
3313.611, and 3313.614 of the Revised Code, except that for 845
students who enter ninth grade for the first time before July 1, 846
2010, the requirement in sections 3313.61 and 3313.611 of the 847
Revised Code that a person must successfully complete the 848
curriculum in any high school prior to receiving a high school 849
diploma may be met by completing the curriculum adopted by the 850
governing authority of the community school rather than the 851
curriculum specified in Title XXXIII of the Revised Code or any 852
rules of the state board of education. Beginning with students 853
who enter ninth grade for the first time on or after July 1, 854
2010, the requirement in sections 3313.61 and 3313.611 of the 855
Revised Code that a person must successfully complete the 856
curriculum of a high school prior to receiving a high school 857
diploma shall be met by completing the requirements prescribed 858
in division (C) of section 3313.603 of the Revised Code, unless 859
the person qualifies under division (D) or (F) of that section. 860
Each school shall comply with the plan for awarding high school 861
credit based on demonstration of subject area competency, and 862
beginning with the 2017-2018 school year, with the updated plan 863
that permits students enrolled in seventh and eighth grade to 864
meet curriculum requirements based on subject area competency 865
adopted by the state board of education under divisions (J) (1) 866
and (2) of section 3313.603 of the Revised Code. Beginning with 867
the 2018-2019 school year, the school shall comply with the 868
framework for granting units of high school credit to students 869
who demonstrate subject area competency through work-based 870
learning experiences, internships, or cooperative education 871
developed by the department under division (J) (3) of section 872
3313.603 of the Revised Code. 873

(g) The school governing authority will submit within four 874

months after the end of each school year a report of its 875
activities and progress in meeting the goals and standards of 876
divisions (A) (3) and (4) of this section and its financial 877
status to the sponsor and the parents of all students enrolled 878
in the school. 879

(h) The school, unless it is an internet- or computer- 880
based community school, will comply with section 3313.801 of the 881
Revised Code as if it were a school district. 882

(i) If the school is the recipient of moneys from a grant 883
awarded under the federal race to the top program, Division (A), 884
Title XIV, Sections 14005 and 14006 of the "American Recovery 885
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 886
the school will pay teachers based upon performance in 887
accordance with section 3317.141 and will comply with section 888
3319.111 of the Revised Code as if it were a school district. 889

(j) If the school operates a preschool program that is 890
licensed by the department of education under sections 3301.52 891
to 3301.59 of the Revised Code, the school shall comply with 892
sections 3301.50 to 3301.59 of the Revised Code and the minimum 893
standards for preschool programs prescribed in rules adopted by 894
the state board under section 3301.53 of the Revised Code. 895

(k) The school will comply with sections 3313.6021 and 896
3313.6023 of the Revised Code as if it were a school district 897
unless it is either of the following: 898

(i) An internet- or computer-based community school; 899

(ii) A community school in which a majority of the 900
enrolled students are children with disabilities as described in 901
division (A) (4) (b) of section 3314.35 of the Revised Code. 902

(12) Arrangements for providing health and other benefits 903

to employees; 904

(13) The length of the contract, which shall begin at the 905
beginning of an academic year. No contract shall exceed five 906
years unless such contract has been renewed pursuant to division 907
(E) of this section. 908

(14) The governing authority of the school, which shall be 909
responsible for carrying out the provisions of the contract; 910

(15) A financial plan detailing an estimated school budget 911
for each year of the period of the contract and specifying the 912
total estimated per pupil expenditure amount for each such year. 913

(16) Requirements and procedures regarding the disposition 914
of employees of the school in the event the contract is 915
terminated or not renewed pursuant to section 3314.07 of the 916
Revised Code; 917

(17) Whether the school is to be created by converting all 918
or part of an existing public school or educational service 919
center building or is to be a new start-up school, and if it is 920
a converted public school or service center building, 921
specification of any duties or responsibilities of an employer 922
that the board of education or service center governing board 923
that operated the school or building before conversion is 924
delegating to the governing authority of the community school 925
with respect to all or any specified group of employees provided 926
the delegation is not prohibited by a collective bargaining 927
agreement applicable to such employees; 928

(18) Provisions establishing procedures for resolving 929
disputes or differences of opinion between the sponsor and the 930
governing authority of the community school; 931

(19) A provision requiring the governing authority to 932

adopt a policy regarding the admission of students who reside 933
outside the district in which the school is located. That policy 934
shall comply with the admissions procedures specified in 935
sections 3314.06 and 3314.061 of the Revised Code and, at the 936
sole discretion of the authority, shall do one of the following: 937

(a) Prohibit the enrollment of students who reside outside 938
the district in which the school is located; 939

(b) Permit the enrollment of students who reside in 940
districts adjacent to the district in which the school is 941
located; 942

(c) Permit the enrollment of students who reside in any 943
other district in the state. 944

(20) A provision recognizing the authority of the 945
department of education to take over the sponsorship of the 946
school in accordance with the provisions of division (C) of 947
section 3314.015 of the Revised Code; 948

(21) A provision recognizing the sponsor's authority to 949
assume the operation of a school under the conditions specified 950
in division (B) of section 3314.073 of the Revised Code; 951

(22) A provision recognizing both of the following: 952

(a) The authority of public health and safety officials to 953
inspect the facilities of the school and to order the facilities 954
closed if those officials find that the facilities are not in 955
compliance with health and safety laws and regulations; 956

(b) The authority of the department of education as the 957
community school oversight body to suspend the operation of the 958
school under section 3314.072 of the Revised Code if the 959
department has evidence of conditions or violations of law at 960

the school that pose an imminent danger to the health and safety 961
of the school's students and employees and the sponsor refuses 962
to take such action. 963

(23) A description of the learning opportunities that will 964
be offered to students including both classroom-based and non- 965
classroom-based learning opportunities that is in compliance 966
with criteria for student participation established by the 967
department under division (H) (2) of section 3314.08 of the 968
Revised Code; 969

(24) The school will comply with sections 3302.04 and 970
3302.041 of the Revised Code, except that any action required to 971
be taken by a school district pursuant to those sections shall 972
be taken by the sponsor of the school. However, the sponsor 973
shall not be required to take any action described in division 974
(F) of section 3302.04 of the Revised Code. 975

(25) Beginning in the 2006-2007 school year, the school 976
will open for operation not later than the thirtieth day of 977
September each school year, unless the mission of the school as 978
specified under division (A) (2) of this section is solely to 979
serve dropouts. In its initial year of operation, if the school 980
fails to open by the thirtieth day of September, or within one 981
year after the adoption of the contract pursuant to division (D) 982
of section 3314.02 of the Revised Code if the mission of the 983
school is solely to serve dropouts, the contract shall be void. 984

(26) Whether the school's governing authority is planning 985
to seek designation for the school as a STEM school equivalent 986
under section 3326.032 of the Revised Code; 987

(27) That the school's attendance and participation 988
policies will be available for public inspection; 989

(28) That the school's attendance and participation 990
records shall be made available to the department of education, 991
auditor of state, and school's sponsor to the extent permitted 992
under and in accordance with the "Family Educational Rights and 993
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 994
and any regulations promulgated under that act, and section 995
3319.321 of the Revised Code; 996

(29) If a school operates using the blended learning 997
model, as defined in section 3301.079 of the Revised Code, all 998
of the following information: 999

(a) An indication of what blended learning model or models 1000
will be used; 1001

(b) A description of how student instructional needs will 1002
be determined and documented; 1003

(c) The method to be used for determining competency, 1004
granting credit, and promoting students to a higher grade level; 1005

(d) The school's attendance requirements, including how 1006
the school will document participation in learning 1007
opportunities; 1008

(e) A statement describing how student progress will be 1009
monitored; 1010

(f) A statement describing how private student data will 1011
be protected; 1012

(g) A description of the professional development 1013
activities that will be offered to teachers. 1014

(30) A provision requiring that all moneys the school's 1015
operator loans to the school, including facilities loans or cash 1016
flow assistance, must be accounted for, documented, and bear 1017